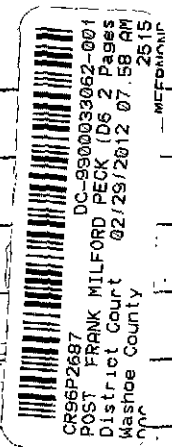


No. CR-96-P-2687

FILED 6



2012 FEB 29 AM 7:58

In the Second Judicial District Court of the State of Nevada

Electronically Filed
Feb 29/2012 08:57 p.m.
Gracie R. Lindeman
Clerk of Supreme Court

In And for the County of Washoe

State of Nevada,

Plaintiff,

vs.

Frank M. Peck,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Frank M. Peck defendant above named, hereby Appeals to the Supreme Court of Nevada from the Order dismissing defendants petition for writ of habeas corpus post-conviction entered in this action on February 10th 2012.

Dated this 20th day of February 2012.

Frank M. Peck

Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV 89070

Certificate of service AND Affirmation

Pursuant to NRS 239 B 030 the Attached
NOTICE OF APPEAL does NOT contain the
social security numbers of any person and a
true and correct copy was mailed this date to:

DDA Gary Hattestad Esq.
75 Court Street
Reno, NV. 89501

Dated and done this 22nd day of February 2012.

Signed under penalty of perjury 28 USC 1746.

Frank M. Peck
Frank M. Peck 57106
HOSP Box 650
Indian Springs, NV, 89070

1 **Code 1310**

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

FRANK M. PECK,

9

Petitioner,

Case No. CR96P2687

10

vs.

Dept. No. 6

11

THE STATE OF NEVADA,

12

Respondent.

13

14

CASE APPEAL STATEMENT

15

This case appeal statement is filed pursuant to NRAP 3(2).

16

1. This appeal is from an order entered by the Honorable Brent Adams.

17

2. Appellant is Frank M. Peck. Appellant is representing himself in Proper Person on appeal:

18

19

3. Appellant's address is:

20

Frank M. Peck #57106
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

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22

23

4. Respondent is the State of Nevada. Respondent is represented by the Washoe

24

County District Attorney's Office:

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Terrance McCarthy, Esq.
P.O. Box 30083
Reno, NV 89520

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5. Respondent's attorney is licensed to practice law in Nevada.

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- 6. Appellant was represented by appointed counsel in District Court.
- 7. Appellant is not represented by appointed counsel on appeal.
- 8. Appellant was granted leave to proceed in forma pauperis in the District Court on August 7, 2008.
- 9. Proceeding commenced by the filing of an Information on December 9, 1996.
- 10. This is a criminal proceeding and the Appellant is appealing the Order filed February 10, 2012.
- 11. The case has been the subject of a previous appeal to the Supreme Court. Supreme Court case numbers 42672 and 57968.
- 12. This case does not involve child custody or visitation.
- 13. This is not a civil case involving the possibility of a settlement.

Dated this 29th day of February, 2012.

JOEY ORDUNDA HASTINGS
CLERK OF THE COURT

By: /s/ Lori Matheus
Lori Matheus
Deputy Clerk

1 Code 3370
2
3

4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE

6 FRANK M. PECK,

Case No. CR96P2687

7
8 Petitioner,

Dept. No. 6

9 v.

10 STATE OF NEVADA,

11 Respondent.
12 _____ /

13 ORDER

14 Petitioner filed a supplemental petition for writ of habeas corpus ("Supplemental
15 Petition").¹ In his Petition, Petitioner argues that both his trial and appellate attorneys failed
16 to properly characterize the requested "lesser related" offense jury instructions as "lesser
17 included" offenses under the facts of the case.

18 The Court finds that the supplemental petition is procedurally barred by the one-year
19 statute of limitations on time to file (Remit., Jun. 4, 2003). See N.R.S. 34.726. The Court
20 also finds that good cause does not exist for Petitioner's delay in filing the petition. See
21 N.R.S. 34.726(1). Thus, an evidentiary hearing is not warranted in this matter. See N.R.S.
34.770(2).

22 Accordingly, Petitioner's supplemental petition is dismissed and Petitioner's motion
23 for leave to file supplemental points and authorities in support of the writ is moot.

24 DATED: This 10th day of February, 2012.

25
26 
DISTRICT JUDGE

27
28 ¹ This Order encompasses Petitioner's Supplemental Petitions filed on November 21, 2011 and December 12, 2011,
respectively. The issues raised in Petitioner's August 7, 2008 Petition were resolved by way of the Court's Order
entered on February 9, 2011. (Or. Denying Pet.'s Mot., Feb. 9, 2011).

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR96-2687

DEPT. D8

HON. STEVEN R. KOSACH

Report Date & Time
2/29/2012
12:42:59PM

Case Description: STATE VS. FRANK MILFORD PECK (D8)

Case ID: CR96-2687 **Case Type:** CRIMINAL **Initial Filing Date:** 12/9/1996

Parties

ATTY	JULIUS ALDRED DIX - @891378
ATTY	EGAN WALKER - @676757
ATTY	DENNIS E. WIDDIS - @701416
RESL	THE STATE OF NEVADA - @647899
ATTY	JULIUS ALDRED DIX - @1074805
APPD	FRANK M. PECK - @503904
PNP	Div. of Parole & Probation - DPNP
DA	Gary Howard Hatlestad, Esq. - 1525
DEFT	FRANK (D7) PECK - @503907

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1			
	Event Extra Text:	<i>Disposition:</i>	

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
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Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
1/1/1996	1315	** Case Closed	
12/9/1996	1250	Application for Setting	12/13/96 ARRAIGNMENT
12/9/1996	1800	Information	
12/13/1996	MIN	***Minutes	DECEMBER 13, 1996 ARRAIGNMENT

Case Description: STATE VS. FRANK MILFORD PECK (D8)

Case ID: CR96-2687 Case Type: CRIMINAL Initial Filing Date: 12/9/1996

Date	Case Number	Description	Details
12/27/1996	3700	Proceedings	
1/6/1997	4185	Transcript ...	DECEMBER 13, 1996 ARRAIGNMENT
1/23/1997	4075	Substitution of Counsel	SUBSTITUTING DENNIS WIDDIS, ESQ. IN PLACE OF PUBLIC DEFENDER VAUN HALL
2/4/1997	3370	Order ...	SEALING MOTION REQUESTING DEFENSE SERVICES AND TRANSCRIPTS AT PUBLIC EXPENSE AS WELL AS THIS ORDER.
2/5/1997	2777	Order Approving ...	ORDER PROVIDING DEFENSE SERVICES AND TRANSCRIPTS AT PUBLIC EXPENSE
2/5/1997	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR AUTHORIZATION OF DEFENSE SERVICES AT PUBLIC EXPENSE; AND, REQUEST TO SEAL
3/10/1997	2490	Motion ...	MOTION TO CONTINUE TRIAL
3/10/1997	2490	Motion ...	MOTION TO CONTINUE TRIAL
3/10/1997	2490	Motion ...	MOTION TO AMEND INFORMATION TO ADD WITNESS
3/13/1997	3370	Order ...	ORDER TO AMEND INFOMRATION TO ADD WITNESS
3/17/1997	1850	Judgment of Conviction	
3/19/1997	MIN	***Minutes	MARCH 19, 1997 MOTION TO CONFIRM TRIAL DATE
4/2/1997	2490	Motion ...	MOTION FOR SEIZURE ORDER
4/3/1997	1270	Application ...	IN THE MATTER OF THE APPLICATION FOR A SEIZURE ORDER FOR FRANK M. PECK
4/16/1997	2490	Motion ...	MOTION TO AMEND INFORMATION TO ADD WITNESS
4/17/1997	4185	Transcript ...	MARCH 19, 1997 MOTION TO CONTINUE
4/22/1997	3897	Return	RETURN OF SERVICE (SEIZURE ORDER)
5/6/1997	2490	Motion ...	MOTION TO AMEND INFORMATION TO ADD WITNESSES
5/7/1997	3370	Order ...	ORDER TO AMEND INFORMATION TO INCLUDE WITNESS
5/12/1997	2280	Mtn to Continue	DEFENDANT'S SECOND MOTION TO CONTINUE TRIAL
5/13/1997	MIN	***Minutes	MAY 13, 1997 MOTION TO CONTINUE TRIAL DATE
5/14/1997	2490	Motion ...	MOTON TO AMEND INFORMATION TO ADD WITNESS
5/19/1997	3370	Order ...	ORDER TO AMEND INFORMATION TO INCLUDE WITNESSES
5/19/1997	3980	Stip and Order...	STIPULATION AND ORDER RE: DISCOVERY
5/22/1997	3370	Order ...	ORDER TO AMEND INFORMATION TO ADD WITNESS
6/18/1997	4185	Transcript ...	MAY 13, 1997 MOTION TO CONFIRM TRIAL DATE
8/1/1997	2480	Mtn to Suppress...	DEFENDANT'S MOTION TO SUPPRESS
8/1/1997	MIN	***Minutes	AUGUST 1, 1997 PRE-TRIAL MOTIONS
8/1/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE REGARDING CHARACTER EVIDENCE
8/13/1997	4185	Transcript ...	AUGUST 1, 1997 PRE-TRIAL MOTIONS
8/28/1997	4105	Supplemental ...	DEFENDANT'S SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPRESS
8/29/1997	MIN	***Minutes	AUGUST 29, 1997 MOTION TO SUPRESS
9/2/1997	MIN	***Minutes	09/02/97 - 09/05/97 JURY TRIAL (MISTRIAL-HUNG JURY)
9/2/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE TO EXCLUDE REFERENCES TO HIS MARITAL STATUS
9/2/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE TO EXCLUDE REFERENCES TO HIS INCARCERATION
9/4/1997	3373	Other ...	DEFENDANT'S PROPOSED JURY INSTRUCTIONS WITH SUPPORTING POINTS AND AUTHORITIES
9/5/1997	1885	Jury Instructions	JURY INSTRUCTIONS 1-29
9/5/1997	3755	Refused Instructions-Deft	DEFENDANT'S REFUSED INSTRUCTIONS A-D
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM -COUNT I

Case Description: STATE VS. FRANK MILFORD PECK (D8)

Case ID: CR96-2687 Case Type: CRIMINAL Initial Filing Date: 12/9/1996

Date	Case No.	Description	Details
9/6/1997	4235	Unused Verdict Form(s)...	RE: VOLUNTARINESS OF STATEMENTS
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM - COUNT II
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM -COUNT II
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM - COUNT I
9/7/1997	1890	Jury Question, Court Response	JURY QUESTIONS DURING TESTIMONY AND DELIBERATIONS
9/11/1997	4185	Transcript ...	AUGUST 29, 1997 MOTIONS
9/11/1997	1250	Application for Setting	09/23/97 MOTION TO SET TRIAL @ 8:30 A.M.
9/23/1997	MIN	***Minutes	SEPT. 23, 1997 MOTION TO SET TRIAL
9/26/1997	1250	Application for Setting	MOTION TO SET TRIAL 10/02/97 @ 8:30
9/30/1997	4185	Transcript ...	SEPTEMBER 23, 1997 MOTION TO CONTINUE
10/2/1997	MIN	***Minutes	OCT. 2, 1997 MOTION TO SET TRIAL DATE
10/8/1997	4185	Transcript ...	OCTOBER 2, 1997 MOTION TO SET TRIAL DATE
10/16/1997	4185	Transcript ...	SEPTEMBER 3, 1997 JURY TRIAL VOLUME II
11/4/1997	1670	Ex-Parte Mtn...	*SEALED* - DEFENDANT'S EX PARTE CLAIM FOR EXPENSES
11/4/1997	3980	Stip and Order...	STIPULATION AND ORDER RE: SUBPOENAS
11/6/1997	3370	Order ...	*SEALED* ORDER FOR PAYMENT OF INVESTIGATOR'S FEES AND COSTS
11/17/1997	4185	Transcript ...	JURY TRIAL SEPTEMBER 5, 1997 VOLUME IV
11/17/1997	4185	Transcript ...	JURY TRIAL SEPTEMBER 21, 1997 VOLUME I
11/17/1997	4185	Transcript ...	JURY TRIAL SEPTEMBER 4, 1997 VOLUME III
11/17/1997	4185	Transcript ...	SEPTEMBER 4, 1997 MOTIONS SEALED
12/5/1997	MIN	***Minutes	DEC. 5, 1997 MOTION TO CONFIRM TRIAL DATE
12/10/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE FOR RECONSIDERATION OF RULING CONCERNING USE OF PRIVILEGED INFORMATION AND MATERIALS
12/11/1997	2315	Mtn to Dismiss ...	DEFENDANT'S MOTION TO DISMISS
12/12/1997	2490	Motion ...	DEFENDANT'S MOTION FOP PERMISSION TO EXAMINE PROSPECTIVE JURORS CONCERNING AREAS OF BIAS
12/12/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE CONCERNING PERVIOUS JURY VERDICTS
12/12/1997	3870	Request	DEFENDANT'S REQUEST TO H AVE JURY INSTRUCTED ON LESSER-RELATED OFFENSES
12/15/1997	MIN	***Minutes	DEC. 15, 1997 - DEC. 19, 1997 JURY TRIAL
12/15/1997	1695	** Exhibit(s) ...	DEFENDANTS EXHIBITS (SCANNED IMAGE REFLECTS MANNER IN WHICH DOCUMENT WAS RECEIVED - 4-8-2011- SC)
12/15/1997	1695	** Exhibit(s) ...	STATE'S EXHIBITS - EXHIBIT 43 CONTAINS SOCIAL SECURITY NUMBERS AND IS SEALED
12/15/1997	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: PRIVILEGED INFORMATION AND MATERIALS
12/17/1997	4185	Transcript ...	DECEMBER 5, 1997 MOTION TO CONFIRM
12/18/1997	4185	Transcript ...	DECEMBER 17, 1997 PARTIAL TRANSCRIPT OF JURY TRIAL (PARTIAL RE-CROSS EXAMINATION OF LESLIE PECK)
12/19/1997	4245	Verdict(s)...	FINDING NOVEMBER 16-17 1996 POLICE STATEMENTS OF THE DEFENDANT VOLUNTARY
12/19/1997	1960	Memorandum ...	DEFENDANT'S MEMORANDUM IN SUPPORT OF AGAIN SUBMITTING A SPECIAL VERDICT FORM CONCERNING "VOLUNTARINESS"
12/19/1997	4235	Unused Verdict Form(s)...	UNUSED VERDICT FORM (1) COUNT II
12/19/1997	3755	Refused Instructions-Def	DEFENDANT'S REJECTED INSTRUCTION D
12/19/1997	3755	Refused Instructions-Def	DEFENDANT'S REJECTED INSTRUCTION C

Case Description: STATE VS. FRANK MILFORD PECK (D8)

Case ID: CR96-2687 Case Type: CRIMINAL Initial Filing Date: 12/9/1996

12/19/1997	3755	Refused Instructions-Def	DEFENDANT'S REJECTED INSTRUCTION B
12/19/1997	3755	Refused Instructions-Def	DEFENDANT'S REFUSED INSTRUCTION A
12/19/1997	4235	Unused Verdict Form(s)...	UNUSED VERDICT FORM (1) COUNT I
12/19/1997	4245	Verdict(s)...	FINDING DEFENDANT GUILTY OF COUNT II
12/19/1997	4245	Verdict(s)...	FINDING DEFENDANT GUILTY OF COUNT I
12/19/1997	1885	Jury Instructions	JURY INSTRUCTIONS 1-28
2/4/1998	3370	Order ...	ORDER CONTINUANCE SENTENCING FROM FEBRUARY 6, 1998 TO MARCH 17, 1998
2/5/1998	3980	Stip and Order...	STIPULATION AND ORDER VACATING AND CONTINUANCE SENTENCING
3/13/1998	4505	Crt Ord Psych Eval - Conf.	DEFENDANT'S MATERIALS FOR CONSIDERATION AT SENTENCING (INCLUDING NEURO PSYCHOLOGICAL EVALUATION)
3/17/1998	MIN	***Minutes	MARCH 17, 1998 SENTENCING
3/17/1998	4500	PSI - Confidential	
3/19/1998	2515	Notice of Appeal Supreme Court	
3/19/1998	1310	Case Appeal Statement	
3/19/1998	4300	Withdrawal of Counsel	DENNIS WIDDIS, ESQ.
3/23/1998	1350	Certificate of Clerk	
3/23/1998	1365	Certificate of Transmittal	
3/23/1998	1670	Ex-Parte Mtn...	DEFENDANT'S EX PARTE CLAIM FOR EXPENSES
3/25/1998	4185	Transcript ...	MARCH 17, 1998 SENTENCING
4/14/1998	1270	Application ...	VERIFIED APPLICATION FOR ADMISSION TO PRACTICE UNDER NEVADA SUPREME COURT RULE 42 (JULIUS ALDRED DIX)
4/27/1998	3370	Order ...	ORDER FOR PAYMENT OF MENTAL HEALTH CONSULTANT FEES
9/1/1998	1930	Letters ...	LETTER FROM DEFENDANT
9/16/1998	1930	Letters ...	LETTER FROM DEFENDANT
10/1/1998	1290	Association of Counsel	ASSOCIATING LLOYD DOUGAS DIX, ESQ. WITH THE LAW OFFICES OF KRAVITZ, SNITZER & SLOAN
10/1/1998	4150	Supreme Ct Rule 42 Statement	JULIUS A. DIX, ESQ.
10/1/1998	2777	Order Approving ...	ORDER APPROVING ADMISSION OF COUNSEL PRO HAEC VICE
10/1/1998	4150	Supreme Ct Rule 42 Statement	JULIUS A. DIX, ESQ.
10/5/1998	1930	Letters ...	LETTER FROM DEFENDANT
10/28/1998	1930	Letters ...	FROM DEFENDANT
11/5/1998	4185	Transcript ...	DECEMBER 19, 1997 JURY TRIAL VOLUME IV OF IV
11/5/1998	4185	Transcript ...	DECEMBER 18, 1997 JURY TRIAL VOLUME III OF IV
11/5/1998	4185	Transcript ...	DECEMBER 17, 1997 JURY TRIAL VOLUME II OF IV
11/5/1998	4185	Transcript ...	DECEMBER 15 & 16, 1997 JURY TRIAL VOLUME I OF IV
5/6/1999	4185	Transcript ...	SEPTEMBER 6, 1997 TRIAL
9/19/2000	1930	Letters ...	FROM DEFENDANT
9/25/2000	4120	Supreme Court Opinion	
9/25/2000	4145	Supreme Court Remittitur	
9/25/2000	4111	Supreme Ct Clk's Cert & Judg	
10/31/2000	2840	Ord Denying ...	DEFENDANT'S MOTION FOR TRIAL RECORDS
1/30/2001	1930	Letters ...	FROM DEFENDANT
12/3/2003	IMG	**Entered/Imaged on Wrong Case	DEC. 3, 2003 EVIDENTIARY HEARING (NO EXHIBIT LIST ATTACHED)

Case Description: STATE VS. FRANK MILFORD PECK (D8)

Case ID: CR96-2687

Case Type: CRIMINAL

Initial Filing Date: 12/9/1996

12/19/2007

3760

Refused Instructions-Pltf

STATE'S REJECTED INSTRUCTION 1

11/6/2009

PAYRC

**Payment Received

A Payment of -\$25.00 was made on receipt DCDC253576.

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR96P2687

DEPT. D6

HON. BRENT ADAMS

Report Date & Time
2/29/2012
12:41:44PM

Case Description: POST: FRANK MILFORD PECK (D6)

Case ID: CR96P2687 Case Type: POST CONVICTION Initial Filing Date: 9/19/2001

Parties

PATY	ROBERT E. GLENNEN - 2143
PETR	FRANK MILFORD PECK - @3461
RESP	STATE OF NEVADA - STATE
APPP	FRANK MILFORD PECK - @3461
RESD	STATE OF NEVADA - STATE
APPE	FRANK MILFORD PECK - @3461
DA	Gary Howard Hatlestad, Esq. - 1525
DA	Richard Allen Gammick, Esq. - 1510
DATY	Gary Howard Hatlestad, Esq. - 1525
DATY	ROBERT E. GLENNEN - 2143

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D6 EVIDENTIARY HEARING	12/3/2003	13:30:00	12/3/2003

Event Extra Text: EVIDENTIARY HEARING REQUESTED BY COURT
3 HRS
ROBERT GLENNON - 702-384-8981
TERRENCE MCCARTHY - 337-5750

Disposition:
D355 12/3/2003
PETITIONER'S CLAIM IS DENIED

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D6 Request for Submission	12/17/2010	11:15:00	2/9/2011

Event Extra Text: EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING (NO PAPER ORDER)

Disposition:
S200 2/9/2011
order

Case Description: POST: FRANK MILFORD PECK (D6)

Case ID: CR96P2687 Case Type: POST CONVICTION Initial Filing Date: 9/19/2001

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D6	Request for Submission	12/17/2010	11:10:00	2/9/2011
Event Extra Text: FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (NO PAPER ORDER)		Disposition: S200 2/9/2011 order		
4 D6	Request for Submission	12/22/2011	16:50:00	2/10/2012
Event Extra Text: SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS (POST CONVICTION)		Disposition: S200 2/10/2012 ORDER		
5 D6	Request for Submission	12/22/2011	16:50:00	2/10/2012
Event Extra Text: MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF THE PENDING WRIT OF HABEAS CORPUS (POST CONVICTION)		Disposition: S200 2/10/2012 ORDER		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 42672
SC	Supreme Court	SCN 57968

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Actions</i>	<i>Text</i>
9/19/2001	3585	Pet Writ Habeas Corpus		
9/19/2001	1955	Memorandum Points&Authorities		PET'S APPENDIX TO PET FOR WRIT
9/25/2001	3862	**Criminal Submit		DOCUMENT TITLE: PET FOR WRIT PARTY SUBMITTING: P. MEACHAM DATE SUBMITTED: 9/25/01 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE: FILED DATE & TITLE OF ORDER: DENYING PET FOR WRIT
10/19/2001	3370	Order ...		
10/19/2001	2535	Notice of Entry of Judgment		
10/19/2001	1315	** Case Closed		
11/5/2001	2490	Motion ...		TO RECONSIDER ORDER DENYING POST CONVICTION WRIT
11/19/2001	2650	Opposition to ...		MOTION TO RECONSIDER ORDER DENYING POST CONVICTION
11/21/2001	2515	Notice of Appeal Supreme Court		
11/21/2001	1310	Case Appeal Statement		
11/21/2001	1350	Certificate of Clerk		
11/21/2001	1365	Certificate of Transmittal		
11/28/2001	1187	**Supreme Court Case No. ...		FOR ISSUE NO. 38835
3/5/2003	4125	Supreme Court Order...		SUPREME COURT CASE NO. 38835 ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING

Case Description: POST: FRANK MILFORD PECK (D6)

Case ID: CR96P2687 Case Type: POST CONVICTION Initial Filing Date: 9/19/2001

Date	Case No.	Description	Details
3/6/2003	1330	**Case Submitted Random Assign	DOCUMENT TITLE: CASE SUBMITTED TO D6 FOR CONSIDERATION OF REASSIGNMENT PARTY SUBMITTING: P. MEACHAM DATE SUBMITTED: 3/6/03 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE: ACCEPTING RANDOM ASSIGNMENT
3/21/2003	3370	Order ...	
3/21/2003	1312	Case Assignment Notification	
5/7/2003	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 38835 ORDER DENYING REHEARING
6/4/2003	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 38835
6/4/2003	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 38835
6/4/2003	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 38835 ORDER DENYING REHEARING
6/4/2003	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 38835 ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING
6/24/2003	3862	**Criminal Submit	DOCUMENT TITLE: ORDER AFFIRMING IN PART, REVERSING IN PART AND REMAND PARTY SUBMITTING: P. MEACHAM DATE SUBMITTED: 6/24/03 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:
7/14/2003	1325	** Case Reopened	
7/14/2003	3370	Order ...	TO SET HEARING
7/25/2003	1250	Application for Setting	EVIDENTIARY HEARING - 12/3/03 (DOCUMENT NOT IN FILE - UNABLE TO IMAGE)
8/27/2003	1260	Application Produce Prisoner	
8/27/2003	3340	Ord to Produce Prisoner	TO APPEAR ON 12-3-03
12/1/2003	2592	Notice of Witnesses	PETITIONER'S LIST OF WITNESSES
12/3/2003	1695	** Exhibit(s) ...	DEFENSE EXHIBITS
12/3/2003	MIN	***Minutes	12/03/03 EVIDENTIARY HEARING
12/8/2003	4185	Transcript ...	12/03/03 - EVIDENTIARY HEARING
12/31/2003	2540	Notice of Entry of Ord	
12/31/2003	1750	Findings, Conclusions & Judg	PETITION FOR WRIT OF HABEAS CORPUS DISMISSED
12/31/2003	1315	** Case Closed	
1/12/2004	2515	Notice of Appeal Supreme Court	
1/15/2004	1365	Certificate of Transmittal	
1/15/2004	1350	Certificate of Clerk	
1/20/2004	3980	Stip and Order...	THAT PETITIONER MAY PROCEED IN FORMA PAUPERIS
1/20/2004	1310	Case Appeal Statement	
1/21/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 42672
1/21/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 42672
1/27/2004	3370	Order ...	FOR PAYMENT OF TRANSCIRTION FEES
7/12/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 42672
8/9/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 42672
8/9/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 42672
8/9/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 42672
8/7/2008	1325	** Case Reopened	

Case Description: POST: FRANK MILFORD PECK (D6)

Case ID: CR96P2687 Case Type: POST CONVICTION Initial Filing Date: 9/19/2001

Date	Case No.	Description	Details
8/7/2008	2385	Mtn Proceed Forma Pauperis	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS FRANK PECK
8/7/2008	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
8/7/2008	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING FRANK PECK
8/7/2008	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
8/7/2008	3862	**Criminal Submit	DOCUMENT TITLE: IFP/ POST-CONVICTION / EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND FOR EVIDENTIARY HEARING PARTY SUBMITTING: FRANK PECK DATE SUBMITTED: 08-07-08 SUBMITTED BY: C GALINDO DATE RECEIVED JUDGE OFFICE:
8/7/2008	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/POST-CONVICTION RELIEF
8/15/2008	3035	Ord Grant in Forma Pauperis	
8/16/2008	1315	** Case Closed	
11/5/2008	2225	Mtn for Transfer ...	MOTION TO TRANSFER BACK TO DEPT 8: FRANK PECK
8/13/2009	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS PARTY SUBMITTING: FRANK PECK DATE SUBMITTED: 08-13-09 SUBMITTED BY: IFLORES DATE RECEIVED JUDGE OFFICE:
10/26/2009	2525	Notice of Change of Address	
4/28/2010	3565	Pet Post-Conviction Relief	1ST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
4/28/2010	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/POST-CONVICTION RELIEF
6/24/2010	2490	Motion ...	MOTION TO RENEW PREVIOUSLY FILED MOTIONS
12/16/2010	3860	Request for Submission	DOCUMENT TITLE: FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (NO PAPER ORDER) PARTY SUBMITTING: FRANK MILFORD PECK DATE SUBMITTED: 12/16/10 SUBMITTED BY: JYOST DATE RECEIVED JUDGE OFFICE:
12/16/2010	3860	Request for Submission	DOCUMENT TITLE: EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING (NO PAPER ORDER) PARTY SUBMITTING: FRANK MILFORD PECK DATE SUBMITTED: 12/16/10 SUBMITTED BY: JYOST DATE RECEIVED JUDGE OFFICE:
12/17/2010	1325	** Case Reopened	
2/9/2011	S200	Request for Submission Complet	order
2/9/2011	S200	Request for Submission Complet	order
2/9/2011	2842	Ord Denying Motion	FOR APPOINTMENT OF COUNSEL; DISMISSING PETITION - Transaction 2022652 - Approved By: NOREVIEW : 02-09-2011:09:21:35
2/9/2011	1315	** Case Closed	
2/9/2011	NEF	Proof of Electronic Service	Transaction 2022660 - Approved By: NOREVIEW : 02-09-2011:09:23:00
3/1/2011	2540	Notice of Entry of Ord	Transaction 2061346 - Approved By: NOREVIEW : 03-01-2011:14:26:46
3/1/2011	NEF	Proof of Electronic Service	Transaction 2061351 - Approved By: NOREVIEW : 03-01-2011:14:28:21
3/16/2011	1310E	Case Appeal Statement	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50
3/16/2011	1350	Certificate of Clerk	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50
3/16/2011	1365	Certificate of Transmittal	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50

Case Description: POST: FRANK MILFORD PECK (D6)

Case ID: CR96P2687 Case Type: POST CONVICTION Initial Filing Date: 9/19/2001

Case ID	Case Type	POST CONVICTION	Initial Filing Date	9/19/2001
3/16/2011	1215	Application Appoint Counsel	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50	
3/16/2011	2515	Notice of Appeal Supreme Court	FRANK PECK, APPELLANT - Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50	
3/16/2011	NEF	Proof of Electronic Service	Transaction 2095484 - Approved By: NOREVIEW : 03-16-2011:08:58:48	
3/16/2011	NEF	Proof of Electronic Service	Transaction 2097006 - Approved By: NOREVIEW : 03-16-2011:14:38:17	
3/16/2011	2610	Notice ...	EX PARTE JUDICIAL NOTICE - Transaction 2096996 - Approved By: LMATHEUS : 03-16-2011:14:36:32	
3/16/2011	2515	Notice of Appeal Supreme Court	Frank Peck - Transaction 2096996 - Approved By: LMATHEUS : 03-16-2011:14:36:32	
3/17/2011	NEF	Proof of Electronic Service	Transaction 2099248 - Approved By: NOREVIEW : 03-17-2011:14:20:37	
3/17/2011	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NO. 57968/NOTICE OF APPEAL Transaction 2099238 - Approved By: NOREVIEW : 03-17-2011:14:18:14	
3/21/2011	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 57968/RECEIPT FOR DOCUMENTS - NOTICE OF APPEAL- Transaction 2104241 - Approved By: NOREVIEW : 03-21-2011:12:50:28	
3/21/2011	NEF	Proof of Electronic Service	Transaction 2104253 - Approved By: NOREVIEW : 03-21-2011:12:52:45	
3/31/2011	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 57968/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 2129514 - Approved By: NOREVIEW : 03-31-2011:12:44:40	
3/31/2011	NEF	Proof of Electronic Service	Transaction 2129517 - Approved By: NOREVIEW : 03-31-2011:12:45:51	
4/20/2011	FIE	**Document Filed in Error	5-3-11 - LMATHEUS	
4/20/2011	FIE	**Document Filed in Error	5-4-11 - LMATHEUS	
5/11/2011	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 2217850 - Approved By: NOREVIEW : 05-11-2011:09:25:58	
5/11/2011	NEF	Proof of Electronic Service	Transaction 2217900 - Approved By: NOREVIEW : 05-11-2011:09:28:13	
5/23/2011	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 57968/RECEIPT FOR DOCUMENTS VOLS 1 through 3 - Transaction 2241239 - Approved By: NOREVIEW : 05-23-2011:09:30:27	
5/23/2011	NEF	Proof of Electronic Service	Transaction 2241246 - Approved By: NOREVIEW : 05-23-2011:09:31:50	
7/19/2011	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 57968/ORDER OF AFFIRMANCE - Transaction 2354675 - Approved By: NOREVIEW : 07-19-2011:13:22:27	
7/19/2011	NEF	Proof of Electronic Service	Transaction 2354687 - Approved By: NOREVIEW : 07-19-2011:13:25:21	
9/21/2011	4128	Supreme Court Order Denying	SUPREME COURT CASE NO 57968/ORDER DENYING REHEARING - Transaction 2482700 - Approved By: NOREVIEW : 09-21-2011:09:55:50	
9/21/2011	NEF	Proof of Electronic Service	Transaction 2482740 - Approved By: NOREVIEW : 09-21-2011:10:02:40	
11/21/2011	2490	Motion ...	MOTION TO SUPPLEMENT ADDITIONAL ARGUMENT AND GROUNDS OF INEFFECTIVE ASSISTANCE OF COUNSEL INTO THE PENDING PETITION FOR WRIT OF HABEAS CORPUS IN THE INTEREST OF JUDICIAL ECONOMY	
11/21/2011	4105	Supplemental ...	SUPPLEMENTAL MEMO OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/POST-CONVICTION RELIEF	
12/12/2011	4105	Supplemental ...	SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/ POST- CONVICTION RELIEF	
12/12/2011	2490	Motion ...	MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF THE PENDING WRIT OF HABEAS CORPUS/ POST-CONVICTION RELIEF	
12/13/2011	2490	Motion ...	MOTION TO RENEW PREVIOUSLY FILED MOTIONS	
12/13/2011	2610	Notice ...	EX PARTE JUDICIAL NOTICE	
12/22/2011	3860	Request for Submission	DOCUMENT TITLE: SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS (POST CONVICTION) PARTY SUBMITTING: FRANK M. PECK DATE SUBMITTED: 12/22/11 SUBMITTED BY: JYOST DATE RECEIVED JUDGE OFFICE:	

Case Description: POST: FRANK MILFORD PECK (D6)

Case ID: CR96P2687 Case Type: POST CONVICTION Initial Filing Date: 9/19/2001

Date	Case No.	Case Description	Details
12/22/2011	1325	** Case Reopened	
12/22/2011	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF THE PENDING WRIT OF HABEAS CORPUS (POST CONVICTION) PARTY SUBMITTING: FRANK M. PECK DATE SUBMITTED: 12/22/11 SUBMITTED BY: JYOST DATE RECEIVED JUDGE OFFICE:
12/23/2011	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 57968/ORDER DENYING EN BANC RECONSIDERATION - Transaction 2666956 - Approved By: NOREVIEW : 12-23-2011:16:28:41
12/23/2011	NEF	Proof of Electronic Service	Transaction 2666959 - Approved By: NOREVIEW : 12-23-2011:16:30:15
1/20/2012	3645	Petition ...	PETITION FOR WRIT OF MANDAMUS
1/23/2012	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 57968 - REMITTITUR - Transaction 2712863 - Approved By: NOREVIEW : 01-23-2012:09:33:28
1/23/2012	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 57968 - CLERK'S CERTIFICATE AND JUDGMENTS - Transaction 2712863 - Approved By: NOREVIEW : 01-23-2012:09:33:28
1/23/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 57968 - ORDER DENYING EN BANC RECONSIDERATION - Transaction 2712863 - Approved By: NOREVIEW : 01-23-2012:09:33:28
1/23/2012	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 57968 - ORDER OF AFFIRMANCE - Transaction 2712863 - Approved By: NOREVIEW : 01-23-2012:09:33:28
1/23/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 57968 - ORDER DENYING EN BANC RECONSIDERATION - Transaction 2712863 - Approved By: NOREVIEW : 01-23-2012:09:33:28
1/23/2012	NEF	Proof of Electronic Service	Transaction 2712871 - Approved By: NOREVIEW : 01-23-2012:09:35:33
2/10/2012	S200	Request for Submission Complet	ORDER
2/10/2012	S200	Request for Submission Complet	ORDER
2/10/2012	1315	** Case Closed	
2/10/2012	NEF	Proof of Electronic Service	Transaction 2757095 - Approved By: NOREVIEW : 02-10-2012:09:54:01
2/10/2012	2840	Ord Denying ...	MTN FOR LEAVE TO FILE SUPPLEMENTAL WRIT; SUPPLEMENTAL PETITION IS DISMISSED - Transaction 2757093 - Approved By: NOREVIEW : 02-10-2012:09:52:40
2/15/2012	2540	Notice of Entry of Ord	Transaction 2766640 - Approved By: NOREVIEW : 02-15-2012:11:31:24
2/15/2012	NEF	Proof of Electronic Service	Transaction 2766643 - Approved By: NOREVIEW : 02-15-2012:11:33:00
2/24/2012	1310	Case Appeal Statement	
2/24/2012	2515	Notice of Appeal Supreme Court	APPELLANT, FRANK M. PECK
2/29/2012	1310E	Case Appeal Statement	Transaction 2793950 - Approved By: NOREVIEW : 02-29-2012:09:59:05
2/29/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 2793950 - Approved By: NOREVIEW : 02-29-2012:09:59:05
2/29/2012	NEF	Proof of Electronic Service	Transaction 2793955 - Approved By: NOREVIEW : 02-29-2012:10:00:06
2/29/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - Transaction 2793948 - Approved By: NOREVIEW : 02-29-2012:09:58:24
2/29/2012	NEF	Proof of Electronic Service	Transaction 2793957 - Approved By: NOREVIEW : 02-29-2012:10:00:48
2/29/2012	2515	Notice of Appeal Supreme Court	

1 Code 3370
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4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE

6 FRANK M. PECK,

Case No. CR96P2687

7
8 Petitioner,

Dept. No. 6

9 v.

10 STATE OF NEVADA,

11 Respondent.
12 _____ /

13 ORDER

14 Petitioner filed a supplemental petition for writ of habeas corpus ("Supplemental
15 Petition").¹ In his Petition, Petitioner argues that both his trial and appellate attorneys failed
16 to properly characterize the requested "lesser related" offense jury instructions as "lesser
17 included" offenses under the facts of the case.

18 The Court finds that the supplemental petition is procedurally barred by the one-year
19 statute of limitations on time to file (Remit., Jun. 4, 2003). See N.R.S. 34.726. The Court
20 also finds that good cause does not exist for Petitioner's delay in filing the petition. See
21 N.R.S. 34.726(1). Thus, an evidentiary hearing is not warranted in this matter. See N.R.S.
34.770(2).

22 Accordingly, Petitioner's supplemental petition is dismissed and Petitioner's motion
23 for leave to file supplemental points and authorities in support of the writ is moot.

24 DATED: This 10th day of February, 2012.

25
26 
DISTRICT JUDGE

27
28 ¹ This Order encompasses Petitioner's Supplemental Petitions filed on November 21, 2011 and December 12, 2011,
respectively. The issues raised in Petitioner's August 7, 2008 Petition were resolved by way of the Court's Order
entered on February 9, 2011. (Or. Denying Pet.'s Mot., Feb. 9, 2011).

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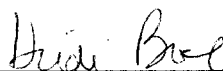
CERTIFICATE OF SERVICE

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;
that on the 16th day of February, 2012, I electronically filed the foregoing with the Clerk
of the Court system which will send a notice of electronic filing to the following:

GARY HATLESTAD, ESQ.

And, I deposited in the County mailing system for postage and mailing with the
United States Postal Service in Reno, Nevada, a true and correct copy of the attached
document addressed as follows:

Frank M. Peck, #57106
HDSP Box 650
Indian Springs, NV 89070



Judicial Assistant

1 CODE: 2540
2
3
4

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7 ***

8 FRANK M. PECK,

Petitioner,

CASE NO: CR96P2687

9
10 vs.

DEPT. NO.: 6

11 THE STATE OF NEVADA,

Respondent,
12
13 _____/

14 **NOTICE OF ENTRY OF ORDER**

15 PLEASE TAKE NOTICE that on the 10th day of February, 2012 the Court entered a
16 decision or order in this matter, a true and correct copy of which is attached hereto.

17 You may appeal to the Supreme Court from the decision or order of the Court. If
18 you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-
19 three (33) days, after the date this notice is mailed to you. This notice was mailed on the
20 15th day of February, 2012.
21

22 JOEY ORDUNA HASTINGS
23 Clerk of the Court

24 By /s/ Shannon Hambright
25 Deputy Clerk
26
27
28

1 **CERTIFICATE OF SERVICE**

2 CASE NO. CR96P2687

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
4 of the State of Nevada, County of Washoe; and that on the 15th day of February, 2012, I
5 electronically filed the Notice of Entry of Order with the Clerk of the Court by using the ECF
6 system which will send a notice of electronic filing to:

7
8 Gary Hatlestad, Esq

9 Terrence McCarthy, Esq

10
11 I further certify that on the 15th day of February, 2012, I deposited in the Washoe County
12 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
13 true and correct copy of the Notice of Entry of Order, addressed to:

14
15 Attorney General's Office
16 100 N. Carson St.
17 Carson City, NV 89701-4717

18 Frank M. Peck, #57106
19 HDSP
20 PO Box 650
21 Indian Springs, NV 89070

22 Robert Glennen, Esq
23 6069 S. Ft. Apache Rd.
24 Suite 100
25 Las Vegas, NV 89148

26
27
28
/s/ Shannon Hambright
Shannon Hambright

1 Code 3370
2
3

4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE

6 FRANK M. PECK,

Case No. CR96P2687

7
8 Petitioner,

Dept. No. 6

9 v.

10 STATE OF NEVADA,

11 Respondent.
12 _____ /

13 ORDER

14 Petitioner filed a supplemental petition for writ of habeas corpus ("Supplemental
15 Petition").¹ In his Petition, Petitioner argues that both his trial and appellate attorneys failed
16 to properly characterize the requested "lesser related" offense jury instructions as "lesser
17 included" offenses under the facts of the case.

18 The Court finds that the supplemental petition is procedurally barred by the one-year
19 statute of limitations on time to file (Remit., Jun. 4, 2003). See N.R.S. 34.726. The Court
20 also finds that good cause does not exist for Petitioner's delay in filing the petition. See
21 N.R.S. 34.726(1). Thus, an evidentiary hearing is not warranted in this matter. See N.R.S.
34.770(2).

22 Accordingly, Petitioner's supplemental petition is dismissed and Petitioner's motion
23 for leave to file supplemental points and authorities in support of the writ is moot.

24 DATED: This 10th day of February, 2012.

25 _____
26 DISTRICT JUDGE
27 _____

28 ¹ This Order encompasses Petitioner's Supplemental Petitions filed on November 21, 2011 and December 12, 2011,
respectively. The issues raised in Petitioner's August 7, 2008 Petition were resolved by way of the Court's Order
entered on February 9, 2011. (Or. Denying Pet.'s Mot., Feb. 9, 2011).

CASE NO. CR96-2687

STATE OF NEVADA VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/13/96
HON. PETER I.
BREEN
DEPT. NO. 7
M. Balogh
(Clerk)
C. Brown
(Reporter)

ARRAIGNMENT

Deputy D.A. Egan Walker represented the State.
Defendant present with counsel, Deputy Public Defender Vaun Hall.
TRUE NAME: FRANK MILFORD PECK. Defendant handed copy of
the Inf.; waived formal reading; waived time in which to enter a plea and
plead Not Guilty to the Inf.
Defendant waived 60 day rule.
COURT ORDERED: Matter continued for trial by jury.
Defendant remanded to the custody of the Sheriff.

3/19/97
8:30 a.m.
Motion to
Confirm

3/24/97
9:00 a.m.
Jury Trial

CR96-2687
DC-9900024274-001
STATE VS FRANK MILFORD PECK 1 Page
District Court 12/13/1996 08 33 AM
Washoe County
MTN
CPATTFRC

DATE, JUDGE,
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

3/19/97
HONORABLE
PETER I.
BREEN
DEPT. NO. 7
D. Caspers
(Clerk)
C. Brown
(Reporter)

MOTION TO CONFIRM TRIAL DATE

Deputy District Attorney Egan Walker represented the State.
Defendant was present with counsel, Dennis Widdis.
James Rountree was present representing the Division of Parole and
Probation.
Counsel Widdis moved to continue the trial date and presented argument
in support; no objection by Counsel Walker.
COURT ORDERED trial date 3/24/97 vacated and matter reset for jury
trial.
Defendant remanded to custody.

5/13/97
8:30 am
MOTION TO
CONFIRM
5/19/97
9:00 am
JURY TRIAL

CR96-2687 DC-9900024274-009
STATE VS. FRANK MILFORD PECK 1 Page
District Court 03/19/1997 08:42 AM MIN
Washoe County CPATFR
MTN

DATE, JUDGE,
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

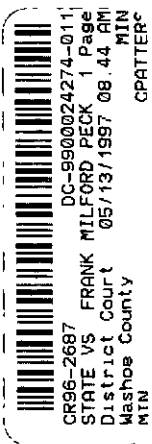
CONTINUED TO

5/13/97
HONORABLE
PETER I.
BREEN
DEPT. NO. 7
D. Caspers
(Clerk)
D. Phipps
(Reporter)

MOTION TO CONTINUE TRIAL DATE

Deputy District Attorney Egan Walker represented the State.
Defendant was present with counsel, Dennis Widdis.
Michael Crews was present representing the Division of Parole and
Probation.
Counsel Walker addressed the Court regarding discovery issues and did
not oppose defense motion to continue the trial date; Counsel Widdis
presented argument in support of motion to continue trial date.
COURT ORDERED motion to continue granted; matter reset for jury trial
and motions.
Defendant remanded to custody.

8/1/97
9:00 am
PRE-TRIAL
MOTIONS
8/13/97
8:30 am
MOTION TO
CONFIRM
8/25/97
9:00 am
JURY TRIAL



DATE, JUDGE,
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/1/97
HONORABLE
PETER I.
BREEN
DEPT. NO. 7
D. Caspers
(Clerk)
E. Nelson
(Reporter)

PRE-TRIAL MOTIONS

Deputy District Attorney Egan Walker represented the State.
Defendant was present with counsel, Dennis Widdis.
Counsel Widdis addressed the Court regarding several pre-trial issues;
response by Counsel Walker; further response by Counsel Widdis.
COURT ORDERED this case transferred to the Chief Judge for
reassignment into another department to resolve trial date issue.
Defendant remanded to custody.

CR96-2687
STATE VS FRANK MILFORD PECK
District Court
Washoe County
MTN
DC-990024274-002
Page 1
08/01/1997 08:34 AM
MIN
CPATTFP

DATE, JUDGE
OFFICERS OF

APPEARANCES-HEARING

COURT PRESENT

8/29/97
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

MOTION TO SUPPRESS

Deputy District Attorney, Egan Walker, was present representing the State of Nevada. Defendant, Frank Milford Peck, was present with counsel, Dennis Widdis. Court informed counsel that he was ready to proceed with the hearing. Counsel Widdis asked the Court if this hearing was also going to discuss and argue other motions. Response from the State. Court informed counsel to proceed with the Petrocelli hearing. Counsel Widdis asked for guidance from the Court as to the motions that were filed. Counsel Walker informed the Court that he did not receive the motions until yesterday. Court addressed counsel Widdis as to the motion to suppress. Counsel Widdis relayed to the Court the evidence that he wanted suppressed. Counsel Walker moved for the rule of exclusion; SO ORDERED. Mrs. Peck was excused from the courtroom. Counsel Walker informed the Court that he would not be bringing up any issues at trial relating to the defendant's civil suit, prior drug use and the drug paraphernalia that was found at the home. COURT ORDERED those issues would not be brought up at trial. Sue Denise Dickson was called by counsel Walker; sworn and testified; cross examined; redirect examined; recross examined. Argument presented by counsel Walker for the admission of the prior bad act. Argument in rebuttal by counsel Widdis. Matter submitted to the Court for decision. COURT ORDERED: The testimony of Sue Dickson will not be allowed. Court addressed counsel Widdis as to case law regarding the keys and the search warrant. Counsel Walker presented argument about the key issue and the sweep search; reply by counsel Widdis. Court addressed counsel Widdis as to what he wants to suppress. Counsel Widdis informed the Court of the items that he wanted to suppress. Matter submitted to the Court for decision. COURT ORDERED: The search regarding the car keys will come in. The turning on of the car lights will come in; the location of the car on the lot will come in and the information retained from the registration will come in. At 4:56 p.m. Court ordered recess. At 5:06 p.m. Court reconvened with all parties present. Court informed counsel that they would argue the search of the home. Leslie Peck was called by counsel Walker; sworn and testified. State's exhibits 1 & 2 were marked for identification; offered into evidence; ordered admitted

CR96-2687 DC-9900024274-003 Page 3
STATE VS FRANK MILFORD PECK
District Court 08/29/1997 08:35 AM
Washoe County
CPATTER
MTN

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

8/29/97
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

MOTION TO SUPPRESS CONTINUED

and so marked.
Cross examination by counsel Widdis; redirect by counsel Walker.
State's exhibits 3-5 were marked for identification; offered into evidence; ordered admitted and so marked.
Recross examination by counsel Widdis.
COURT ORDERED witness to be held to her subpoena.
Mike Bruce Nevill was called by counsel Walker; sworn and testified; cross examined; redirect examined.
Argument presented by respective counsel as to the motion to suppress regarding the search of the home.
Counsel Walker requested that the evidence regarding the home search be re-opened.
COURT ORDERED request denied.
Counsel Walker further argued with the Court. Counsel Walker would like the police officers to testify.
COURT ORDERED request denied.
Counsel Walker presented further argument.
Matter submitted to the Court for decision.
COURT ORDERED: Matter taken under advisement. Court informed counsel Walker to have the police officers here on Tuesday, September 2, 1997 at 8:30 a.m. to testify.
Court ordered the evenings recess.

DATE, JUDGE
OFFICERS OF

COURT PRESENT APPEARANCES-HEARING

09/02/97

HONORABLE
STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

JURY TRIAL

Deputy District Attorneys Egan Walker and Cindi Heron were present for the State. Defendant was present with counsel, Mr. Dennis Widdis.

At 8:45 a.m. Court and counsel met in chambers prior to trial.

Counsel Widdis addressed the Court and presented motion to suppress any evidence from the search of Defendant's home prior to Defendant's arrest, notably: clothing, any statements made before and during the search and any evidence of the Defendant hiding from the police.

Counsel Walker addressed the Court regarding any evidence that may be used from the search. Court convened with all parties present.

Jason Sammons was called by Counsel Walker, sworn and testified; cross examined.

John Ferguson was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined.

Counsel Widdis presented arguments regarding the voluntariness of the Defendant's statements per Jackson v. Denno.

Counsel Walker presented objections to suppression of Defendant's statements at time of arrest per Jackson v. Denno.

COURT ORDERED: Motion to Suppress any evidence of the home search is denied.

COURT FURTHER ORDERED: Motion to suppress statements by the Defendant per Jackson v. Denno is denied.

At 10:00 a.m. Counsel Widdis presented motion in limine to preclude Defendant's custody status; so stipulated and ordered.

Counsel Widdis further presented motion in limine to preclude evidence regarding Defendant's marital status; objections with arguments thereto; COURT ORDERED DENIED.

At 10:15 a.m. Court ordered recess.

At 10:45 a.m. Court reconvened with all parties present.

Court addressed the prospective jurors.

Clerk Hopper called role of the prospective jurors.

Clerk Hopper read the Information.

Clerk Hopper swore in the prospective jurors to answer questions based upon their qualifications to serve as trial jurors and called twelve (12) names to serve as the Venice.

Following the process of jury selection, the persons listed below were sworn by Clerk Hopper to try this case:

Elaine Hanson
Rick Fugate
Drury Ross
Marion Poundstone
John Johnson
Valerie Wagner

James Rivers
Lee Husted
Margaret Savage
Mark Kubinski
Brook Annoni
Robert Florez

CR96-2687
DC-9900024274-004
STATE VS FRANK MILFORD PECK 17 Pages
District Court 09/02/1997 08:37 AM
Washoe County 09/02/1997
MIN CPATTEP

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/02/97

JURY TRIAL - continued

Cont'd.

Also sworn to try this case as alternates were:

Alternate #1: Paul Lane

Alternate #2: Norma Robison

At 2:30 p.m. Court ordered recess; jury was admonished and excused.

At 3:30 p.m. Court reconvened with all parties and jury present.

Prior to reconvening, State's Exhibits 1 through 7 were marked for identification.

Counsel Walker presented opening statements.

Counsel Widdis presented opening statements.

Keith Mullen was called by Counsel Walker, sworn and testified.

State's Exhibits 7 and 6 for identification were offered; Counsel Widdis questioned the witness on voir dire and placed no objections; COURT ORDERED ADMITTED.

Witness was further direct examined; cross examined; redirect examined.

State's Exhibits 8 through 15 were marked for identification.

States's Exhibits 16 and 17 were marked for identification and offered; objections with arguments thereto; reoffered by Counsel Walker; Counsel Widdis questioned witness on voir dire; COURT ORDERED ADMITTED.

Witness was further redirect examined; recross examined and excused.

Paul Gonzales was called by Counsel Walker, sworn and testified.

State's Exhibits 20 and 21 were marked for identification.

Witness was further direct examined; cross examined; redirect examined; recross examined and excused.

At 5:00 p.m. Court ordered recess; jury was admonished and excused.

Matter continued to September 3rd, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.

09/03/97

JURY TRIAL - continuedHONORABLE
STEVEN R.

Deputy District Attorneys Egan Walker and Cindi Heron were present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis.

KOSACH

Prior to convening, State's Exhibits 22 through 28 were marked for identification.

DEPT. NO. 8

At 10:00 a.m. Court reconvened with all parties and jury present.

S. Hopper

Officer Jason Sammons was called by Counsel Walker, sworn and testified.

(Clerk)

State's Exhibit 4 for identification was offered and ordered admitted.

I. Zihn

State's Exhibit 29 was marked for identification and offered; objections with arguments presented thereto and questioned the witness on voir dire; COURT ORDERED ADMITTED.

(Reporter)

State's Exhibits 24 through 28 for identification were offered and ordered admitted.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/03/97

JURY TRIAL - continued

HONORABLE

Witness was further direct examined; cross examined; redirect examined; recross examined and held subject to recall.

STEVEN R.

Leslie Peck was called by Counsel Walker, sworn and testified.

KOSACH

State's Exhibit 3 for identification was offered; witness was questioned by Counsel Widdis on voir dire. With no objections, Exhibit 3 was ordered admitted.

DEPT. NO. 8

State's Exhibit 30 was marked for identification; offered and ordered admitted.

S. Hopper

State's Exhibit 14 for identification was offered; Counsel Widdis questioned the witness on voir dire and placed no objections; ordered admitted.

(Clerk)

State's Exhibit 2 for identification was offered and ordered admitted.

C. Brown

At 11:30 a.m. Court ordered recess; jury admonished and excused.

(Reporter)

At 11:45 a.m. Court reconvened with all parties and jury present.

Leslie Peck, previously sworn, resumed the stand for the purpose of continued direct examination.

State's Exhibits 22, 23, 11, 12 and 13 for identification were offered and ordered admitted.

At 12:00 noon Court ordered recess; jury was admonished and excused.

At 1:30 p.m. Court reconvened with all parties and jury present.

Leslie Peck, previously sworn, resumed the stand for the purpose of continued direct examination by Counsel Walker.

State's Exhibit 1 for identification was offered and ordered admitted.

State's Exhibits 18, 8, 9 and 10 for identification was offered; Counsel Widdis questioned the witness on voir dire and placed no objections; COURT ORDERED ADMITTED.

Witness was further direct examined; cross examined.

Defendant's Exhibit A was marked for identification.

Counsel Walker addressed the Court and moved for a hearing outside the presence of the jury regarding Defendant's Exhibit A; SO ORDERED. The Jury exited the courtroom on the direction of the Court.

Counsel Widdis presented arguments in support of Defendant's A.

Counsel Walker presented arguments regarding any testimony in Defendant's Exhibit A be suppressed.

Jury re-entered the courtroom.

Defendant's Exhibit A for identification was ordered admitted.

Witness was further cross examined; redirect examined; recross examined and excused.

Michael Neville was called by Counsel Walker, sworn and testified; cross examined; redirect examined and recross examined.

Officer Gerald Rhodes was called by Counsel Walker, sworn and testified.

At 3:10 p.m. Court ordered recess; jury admonished and excused.

At 3:30 p.m. Court reconvened with all parties and jury present.

Officer Gerald Rhodes, previously sworn, resumed the stand for the purpose of continued

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

09/03/97

JURY TRIAL - continued

Cont'd.

direct examination; cross examination by Counsel Widdis and excused.
Counsel Walker requested a hearing outside the presence of the jury; SO ORDERED.
Respective counsel addressed the Court regarding Officer Mayes' testimony and his handling of the canine.
Officer Tim Mayes was called by Counsel Walker, sworn and testified; cross examined.
Counsel Widdis presented objections to any testimony of Officer Mayes and the performance of his canine; objection overruled and Officer Mayes' testimony allowed.
Jury re-entered the courtroom.
Officer Timothy Mayes was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined and excused.
At 4:45 p.m. Court ordered recess; jury admonished and excused.
Matter continued to September 4th, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.

09/04/97

JURY TRIAL - continued

HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

At 10:00 a.m. Court met with Counsel Widdis in chambers. Counsel Widdis addressed the Court regarding Defendant's case. Court questioned Counsel Widdis.
At 10:45 a.m. Court reconvened with Deputy District Attorney Egan Walker present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis. All jurors were present.
John Ferguson was called by Counsel Walker, sworn and testified.
State's Exhibit 19 for identification was offered; objections with arguments presented thereto; COURT ORDERED ADMITTED.
Witness was further direct examined; cross examined; redirect examined; recross examined.
Jury was excused.
Counsel Widdis moved for a mistrial due to the mention of Defendant Peck's criminal history by the witness, John Ferguson, and presented arguments in support thereof; Counsel Walker addressed the Court regarding the Motion and presented objections to a mistrial being declared.
COURT ORDERED: Motion for mistrial is denied.
At 12:00 noon Court ordered recess.
At 1:30 p.m. Court reconvened with all parties and jury present.
Debbie Robison was called by Counsel Walker, sworn and testified.
State's Exhibit 20 (a) was marked for identification; offered and ordered admitted.
Witness was further direct examined; cross examined; redirect examined; recross examined.
The witness was further questioned by the Court and excused.
Maria Fassett was called by Counsel Walker, sworn and testified; cross examined; re-direct

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/04/97

Cont'd.

JURY TRIAL - continued

examined; recross examined and excused.

Jeffrey Riolo was called by Counsel Walker, sworn and testified

At 2:30 p.m. Court ordered recess; jury was admonished and excused.

Prior to reconvening, State's Exhibits 31 through 41 were marked for identification.

At 2:45 p.m. Court reconvened with all parties and jury present.

Jeffrey Riolo, previously sworn, resumed the stand for the purpose of continued direct examination.

State's Exhibits 31 through 41 for identification were offered and ordered admitted.

Witness was further direct examined; witness was questioned by the Court and further direct examined by Counsel Walker; cross examined by Counsel Widdis.

State's Exhibit 42 was marked for identification.

During cross examination of the witness, Jeffrey Riolo, Counsel Walker questioned the witness regarding State's Exhibit 42 and offered Exhibit 42 into evidence; ADMITTED.

Counsel Widdis continued cross examination of Jeffrey Riolo.

During continued cross examination, Juror Number 4, Lee Husted presented questions to the Court and witness regarding State's Exhibit 42, the testimony of the witness and the statistics. Court questioned witness.

Witness was further examined by respective counsel and excused.

At 3:45 p.m. Court ordered recess; jury was admonished and excused.

At 4:00 p.m. Court reconvened with all parties and jury present.

Leslie N. was called by Counsel Walker, sworn and testified; cross examined.

During cross examination, Counsel Walker addressed the Court and moved to excuse the jury for the purpose of holding an evidentiary hearing and sanctioning Counsel Dennis Widdis regarding the cross examination of Leslie N.; COURT ORDERED DENIED.

Counsel Walker further addressed the Court regarding his motion for an evidentiary hearing and the Court's ruling.

Jury was excused.

Court addressed respective counsel. Counsel Walker further addressed the Court regarding an evidentiary hearing; COURT ORDERED: Motion for an evidentiary hearing is denied.

Court and counsel met in chambers.

COURT ORDERED: Motion for evidentiary hearing is granted.

At 4:45 p.m. Court ordered recess; Counsel Walker was given five (5) minutes to retrieve any citing to base his motion.

At 5:00 p.m. Court reconvened with all parties present and outside the presence of the jury.

Counsel Walker presented arguments in support of his Motion for Evidentiary Sanctions;

Counsel Widdis addressed the Court regarding his cross examination of the witness, Leslie N.

COURT ORDERED: Motion for sanctions is denied.

Counsel Widdis moved to continue cross examination to Friday, September 5th, 1997.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

09/04/97

JURY TRIAL - continued

Cont'd.

Court questioned the witness, Leslie N., regarding concluding her testimony. The witness affirmed her willingness to continue and conclude her testimony.

COURT ORDERED: Motion to continue matter is denied.

Jury re-entered the courtroom at 5:15 p.m.

Leslie N., previously sworn, resumed the stand for the purpose of concluding cross examination.

Counsel Widdis asked that the witness remain under subpoena.

At 5:45 p.m. Court ordered recess; jury was admonished and excused.

Matter continued to September 5, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.

09/05/97

JURY TRIAL - continued

HONORABLE

At 10:10 a.m. Court reconvened with Deputy District Attorney Egan Walker present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis. All jurors were present.

STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

Counsel Walker addressed the Court regarding exhibits and rested the State's case.

Court addressed the parties and the jury.

Counsel Widdis addressed the Court and moved to hold a hearing outside the presence of the jury; jury was admonished and excused.

Defendant's Exhibits B through CCC were marked for identification.

Counsel Widdis addressed the Court and requested a clarification of the Court's previous ruling regarding prior bad acts of the Defendant and use of controlled substances. Counsel Walker addressed the Court presented arguments regarding Defendant's drug use and prior bad acts being used during Defendant's testimony. Counsel Widdis presented objections to any questions regarding Defendant's drug use.

COURT ORDERED that the Defendant's drug use is relevant to the case and his testimony thereto is allowed.

Respective counsel further presented arguments regarding the prejudicial effect of any testimony of prior drug use by the Defendant, any jail records and/or any medical records.

Defendant's Exhibit DDD was marked for identification.

At 10:45 a.m. Court ordered recess.

At 11:00 a.m. Court reconvened with all parties present and outside the presence of the jury.

Court questioned Counsel Widdis regarding Defendant's willingness to testify.

Counsel Walker addressed the Court in regards to canvassing the Defendant.

Court canvassed the Defendant regarding his right to testify.

Jury re-entered the courtroom.

Frank Peck was called by Counsel Widdis, sworn and testified.

Defendant's Exhibit B through DD for identification were offered and ordered admitted.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/05/97

Cont'd.

JURY TRIAL - continued

Witness was further direct examined.

At 12:20 p.m. Court ordered recess; jury was admonished and excused.

At 1:30 p.m. Court reconvened with all parties and jury present.

Frank Peck, previously sworn, resumed the stand for the purpose of cross examination by Counsel Walker.

Defendant's Exhibits EE through CCC for identification were offered and ordered admitted. State's Exhibit 43 was marked for identification.

Witness further cross examination; redirect examination; recross examination.

Defendant rested.

At 2:45 p.m. Court ordered recess; jury admonished and excused.

Court and counsel met in chambers to settle Jury Instructions 1 through 28.

Counsel Widdis presented objections to Jury Instructions #1 and 2.

COURT ORDERED: Jury Instruction #1 is amended. Motion to amend Jury Instruction #2 is denied.

Counsel Walker presented objections to Instruction #3 and proffered an amended Instruction; COURT ORDERED DENIED.

Counsel Widdis proffered further Instructions with arguments thereto; objections.

COURT ORDERED: Proffered Instructions 2 through 4 rejected.

Respective counsel further addressed the Court regarding settling Jury Instructions and proposed Jury Instructions.

Counsel Widdis further moved to include lesser charges of Open Or Gross Lewdness and Indecent Exposure; objections with arguments thereto; COURT ORDERED: Motion to include lesser charges denied.

At 4:10 p.m. Court reconvened with all parties and jury present.

Court read Jury Instructions 1 through 28 to the jury.

Counsel Walker presented opening arguments.

Counsel Widdis presented closing arguments.

Counsel Walker presented rebuttal arguments.

At 6:00 p.m. Clerk Hopper swore in Bailiff Earl Walling to take charge of the jury during deliberation.

Court ordered recess until the jury has reached a verdict.

At 12:10 a.m. on the September 6th, 1997 Court reconvened with all parties and jury present.

Court questioned the jury regarding deliberations; the Foreman wanted the jury to continue deliberations.

At 12:15 a.m. Court ordered recess; jury admonished and excused.

At 1:15 a.m. Court reconvened with all parties and jury present.

Court addressed the jury and the parties regarding deliberations.

At 1:20 a.m. Court ordered recess; jury admonished and excused.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

09/05/97 Cont'd.	<u>JURY TRIAL - continued</u> Matter to continued on September 6th, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.
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09/06/97 HONORABLE STEVEN R. KOSACH DEPT. NO. 8 S. Hopper (Clerk) I. Zihn (Reporter)	<u>JURY TRIAL - continued</u> At 10:00 a.m. the jury was present to continue deliberations. At 11:15 a.m. Court and counsel met in chambers to discuss jurors' questions and counsel presented arguments regarding proffered new Jury Instruction. At 12:15 p.m. Court reconvened with all parties and jury present. Court read Jury Instruction #29. Court reviewed the question by the jury, Court further addressed the jury regarding any transcript being read and/or reviewed. At 3:30 p.m. Court and counsel met in chambers to discuss latest jury question and respective counsel presented arguments regarding Jury Instructions, lesser included charges being presented to the jury and any testimony being read to the jury. At 5:00 p.m. Court reconvened with all parties and jury present for the purpose of answering any questions presented by the jury. At the request of the jury, the Court had the direct examination of Frank Peck and the cross examination of Frank Peck read back. At 5:15 p.m. Court ordered jury to continue deliberations. At 6:30 p.m. Court reconvened with all parties and jury present. Court reviewed Jury Question #5 for the record and parties; Court questioned Foreman Drury Ross regarding impasse. COURT ORDERED: The jury is hung and a mistrial is declared. Jury was thanked and excused. Counsel Widdis addressed the Court and moved to retransfer to Department Seven (7). COURT ORDERED: Matter to be submitted. Defendant was remanded to the custody of the Sheriff.
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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
BRIEF CASE HISTORY

9/09/97 12:00

PAGE: 1

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK
Dept: 7 Addl Info:

At issue: 00/00/00
Clerk: CP

Disp: 09/06/97 MISTRIAL

----- P A R T I E S -----

PLTF: STATE OF NEVADA DA: WALKER, EGAN
DEF: PECK, FRANK MILFORD (D7) ATTY: WIDDIS, DENNIS E.
Disposed: 09 06 97 MISTRIAL

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1	ADMONITION & WAIVER OF RIGHTS/PERMISSION TO SEARCH RESIDENCE Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
2	STATEMENT TO RENO POLICE DEPT FROM LESLIE PECK Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
3	BOOKING PHOTO OF DEFT FRANK PECK Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
4	SET OF KEYS STRANDED W/ CHAP STICK IN ENVELOPE Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
5	PHOTO OF PECK RESIDENCE; COOLER W/ TOWEL OVER IT Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
6	LARGE MAP OF 1551 N. VIRGINIA ST. & SURROUNDING AREA Intro: 09/02/97 Off/Obj: OFFERED;OBJ	01	STATE	8	SH
7	LARGE MAP OF 1500 & 1600 BLOCK OF NORTH VIRGINIA ST. AND SURROUNDING AREA Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
8	GREEN TOWEL OBTAINED FROM PECK RESIDENCE Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
9	YELLOW TOWEL OBTAINED FROM PECK RESIDENC Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
10	RAZOR W/ SHAVED STUBBLE IN BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
11	PAIR OF WHITE UNDERWEAR IN BROWN PAPER BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
12	"CAMEL" T-SHIRT IN BROWN PAPER BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
13	PAIR OF BLUE SWEAT PANTS IN BROWN PAPER BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
14	BROWN PAPER BAG CONTAINING CONTENTS FROM DEFTS LIVING ROOM HAMPER. (SWEATPANTS, WHITE SHORTS, WHITE SOX) Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
15	PETRI DISH W/ HAIR-FIBER Intro: 09/02/97 Off/Obj:	01	STATE	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

9/09/97 12:00

PAGE: 2

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
16	PHOTO OF VACANT LOT AT 1500 BLOCK OF N. VIRGINIA Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
17	PHOTO OF VACANT LOT NEAR LAWLOR EVENT CENTER Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
18	PAPER BAG CONTAINING TRASH CONTENTS IN THE DEFT'S BATHROOM Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
19	PHOTO LINE-UP AND PROFILE OF DEFT Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
20	SEXUAL ASSAULT KIT Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
20.A	VICTIM'S UNDERPANTS FROM SEXUAL ASSAULT KIT Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
21	BLOOD SAMPLE Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
22	"MILLER GENUINE DRAFT" BLACK JACKET Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
23	PAIR OF BLACK NIKES Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
24	WHITE BRA Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
25	WHITE LINEN SHEET Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
26	BLUE AND WHITE STRIPED SWEATER Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
27	ONE PAIR OF BLUE JEANS W/ BROWN BELT Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
28	WHITE SHIRT Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
29	PHOTO OF SCENE OF CRIME AT NIGHT Intro: 09/03/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
30	PHOTO OF DEFT FRANK PECK AFTER ARREST Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
31	WHAT DOES DNA MEAN? WHERE CAN DNA BE FOUND? CLEAR SHEET Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
32	WHERE DOES DNA COME FROM? CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
33	CHROMOSOMES CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
34	DNA - THE MOLECULE CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
35	SEPARATION OF DNA CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
36	SEQUENCE VARIATION VS. REPEAT VARIATION CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
37	POLYMERASE CHAIN REACTION STEPS CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
38	PCR - SEQUENCE DETECTION CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
39	PCR - REPEAT DETECTION CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
40	STATISTICS OF DNA TESTING CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
41	RESULTS OF EXAMINATIONS OF LESLIE N., BILLINGS & PECK Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
42	HANDWRITTEN TEST RESULTS OF DNA EXAMS Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
43	DECLARATION OF MEDICAL RECORDS RE: DEFT PECK Intro: 09/05/97 Off/Obj:	01	STATE	8	SH
A	TERM PAPER ENTITLED "ORAL LANGUAGE DEF- ICITS AS A READING DISABILITY PREDIC- TOR" BY LESLIE PECK Intro: 09/03/97 Off/Obj: OFFERED; OBJ	01	DEF:	8	SH
B	PHOTO OF PECK HOME (FRONT DOOR) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
C	PHOTO OF INSIDE OF PECK HOME (COUCH & CREDENZA) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
D	PHOTO OF PECK BATHROOM Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
E	SERIES OF PHOTOS INSIDE OF PECK HOME (HAMPER, SHOES, KITCHEN & LIVING ROOM) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
F	SERIES OF PHOTOS INSIDE PECK HOME (BEDROOM, LAUNDRY ROOM, BATHROOM & COUCH W/ JACKET) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
G	PHOTO OF PECK'S DODGE SHOWING LICENSE PLATE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
H	DARK PHOTO OF PECK'S CAR IN LOT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
I	PHOTO OF INSIDE OF PECK'S CAR IN VACANT LOT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
J	PHOTO OF INSIDE OF PECK'S CAR SHOWING JUMPER CABLES Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

9/09/97 12:00

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
K	PHOTO OF INSIDE OF PECK'S TRUNK Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
L	PHOTO OF SCENE AT NIGHT W/ SNOW Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
M	PHOTO OF SCENE AT NIGHT W/ SNOW & FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
N	DARK PHOTO OF SCENE AT NIGHT W/ LIGHT SNOW Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
O	DARK PHOTO OF SCENE AT NIGHT W/ NEAR BY FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
P	PHOTO OF GROUND AT SCENE AT NIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
Q	PHOTO OF SCENE AT NIGHT W/ FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
R	PHOTO OF SCENE NEAR FOILAGE AT NIGHT (NO SNOW SHOWN) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
S	PHOTO OF SCENE AT NIGHT W/ FOILAGE & LIGHT SNOW Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
T	DARK PHOTO W/ DIM LIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
U	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
V	PHOTO OF FOILAGE AT SCENE AT NIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
W	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT W/ PINE TREE IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
X	PHOTO OF SCENE AT NIGHT W/ PINE TREE NEAR BY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
Y	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
Z	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
AA	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
BB	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

9/09/97 12:00

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
CC	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
DD	PHOTO OF SCENE AT NIGHT W/ FOILAGE AND LESLIE'S CAR IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
EE	PHOTO OF LITTLE WALDORF SALOON FROM ACROSS VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
FF	PHOTO OF SIDEWALK NEAR LITTLE WALDORF SALOON ON VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
GG	PHOTO OF NORTH VIRGINIA ST. LOOKING NORTH TOWARDS LITTLE WALDORF Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
HH	PHOTO OF APARTMENTS ACROSS FROM LAWLOR EVENTS CENTER ON N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
II	PHOTO OF PINE TREES NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
JJ	PHOTO OF PINE TREES NEAR APARTMENTS LOOKING FROM N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
KK	PHOTO OF FOILAGE NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
LL	PHOTO OF SCENE AT VACANT LOT AT DAYTIME Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
MM	PHOTO OF VACANT LOT NEAR SCENE DURING THE DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
NN	PHOTO OF LOT NEAR SCENE AT DAYTIME Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
OO	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST AT DAYTIME Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
PP	PHOTO OF VACANT LOT ON N. VIRGINIA LOOKING NORTHWEST NEAR FOILAGE AT SCENE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
QQ	PHOTO OF VACANT LOT ON N. VIRGINIA ST. AT SCENE W/ LAWLOR IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
RR	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

9/09/97 12:00

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
SS	PHOTO OF VACANT LOT ON N. VIRGINIA ST. W/ PINE TREES AND LAWLOR IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
TT	PHOTO OF VACANT LOT ON N. VIRGINIA ST. NEAR FOILAGE LOOKING NORTHWEST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
UU	PHOTO OF SCENE AT VACANT LOT DURING DAY W/ FOILAGE AND FLEISCHMAN IN BACK- GROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
VV	PHOTO OF SCENE AT VACANT LOT NEAR FOILAGE DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
WW	PHOTO OF SCENE IN VACANT LOT NEAR FOILAGE (LOOKING NORTH) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
XX	PHOTO OF SCENE AT LOT DURING DAY W/ NEARBY FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
YY	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING SOUTHEAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
ZZ	PHOTO OF THE BACK OF THE VACANT LOT ON N. VIRGINIA ST. DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
AAA	PHOTO OF BACK OF VACANT LOT DURING DAY LOOKING NORTH BY NORTH EAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
BBB	PHOTO OF VACANT LOT W/ APARTMENTS IN BACKGROUND & LOOKING NORTH Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
CCC	PHOTO OF VACANT LOT ON N. VIRGINIA ST. FROM ACROSS N. VIRGINIA ST. AT DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
DDD	CORRECTIONAL MEDICAL SERVICES' PATIENT CONSENT TO TREAT & RELEASE FORM Intro: 09/05/97 Off/Obj:	01	DEF:	8	SH
STATES.1	PERMISSION TO SEARCH SIGNED BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.2	STATEMENT TO POLICE BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.3	PICTURE OF THE DEFENDANT THE NIGHT HE WAS ARRESTED Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
	Disp: 261 09/02/97 EXHIBIT WITHDRAWN				

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
BRIEF CASE HISTORY

9/09/97 12:00

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
STATES.4	PICTURE DEPICTING METH PIPE; LAP TOP COMPUTER ETC	071	STATE	8	LR
	Intro: 08/29/97 Off/Obj: OFFERED				Admit: 08/29/97
STATES.5	PICTURE DEPICTING COOLER WITH A TOWEL OVER IT	071	STATE	8	LR
	Intro: 08/29/97 Off/Obj: OFFERED				Admit: 08/29/97
	Disp: 261 09/02/97 EXHIBIT WITHDRAWN				

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
TT	PHOTO OF VACANT LOT ON N. VIRGINIA ST. NEAR FOILAGE LOOKING NORTHWEST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
UU	PHOTO OF SCENE AT VACANT LOT DURING DAY W/ FOILAGE AND FLEISCHMAN IN BACK- GROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
VV	PHOTO OF SCENE AT VACANT LOT NEAR FOILAGE DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
WW	PHOTO OF SCENE IN VACANT LOT NEAR FOILAGE (LOOKING NORTH) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
XX	PHOTO OF SCENE AT LOT DURING DAY W/ NEARBY FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
YY	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING SOUTHEAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
ZZ	PHOTO OF THE BACK OF THE VACANT LOT ON N. VIRGINIA ST. DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
AAA	PHOTO OF BACK OF VACANT LOT DURING DAY LOOKING NORTH BY NORTH EAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
BBB	PHOTO OF VACANT LOT W/ APARTMENTS IN BACKGROUND & LOOKING NORTH Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
CCC	PHOTO OF VACANT LOT ON N. VIRGINIA ST. FROM ACROSS N. VIRGINIA ST. AT DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
DDD	CORRECTIONAL MEDICAL SERVICES' PATIENT CONSENT TO TREAT & RELEASE FORM Intro: 09/05/97 Off/Obj:	01	DEF:	8	SH
STATES.1	PERMISSION TO SEARCH SIGNED BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.2	STATEMENT TO POLICE BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.3	PICTURE OF THE DEFENDANT THE NIGHT HE WAS ARRESTED Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.4	PICTURE DEPICTING METH PIPE, LAP TOP COMPUTER, ETC Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
BRIEF CASE HISTORY

9/08/97 09:19

PAGE: 7

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
STATES.5	PICTURE DEPICTING COOLER WITH A TOWEL OVER IT	071	STATE	8	LR
	Intro: 08/29/97 Off/Obj: OFFERED				Admit: 08/29/97
	Disp: 261 09/02/97 EXHIBIT WITHDRAWN				

CASE NO. CR96-2687 STATE OF NEVADA VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

09/23/97

MOTION TO SET TRIAL

HONORABLE

Deputy District Attorney Egan Walker represented the State.

STEVEN

Defendant was present with counsel, Dennis E. Widdis.

KOSACH

Shane Lees was present on behalf of the Division of Parole and Probation.

DEPT. NO. 8

Counsel for the Defendant addressed the Court stating he and Deputy District

B. Walker

Attorney Walker had stipulated to have this case transferred back to Judge

(Clerk)

Breen in Department #7 pursuant to WDCR Rule 3.

I. Zihn

COURT ORDERED: This matter is to be taken under advisement at this

(Reporter)

time.

Defendant remanded to the custody of the Sheriff.

CR96-2687 DC-9900024274-005
STATE VS. FRANK MILFORD PECK 1 Page
District Court 09/23/1997 08:39 AM
Washoe County
MIN
COOTTER

DATE, JUDGE
OFFICERS OF

COURT PRESENT APPEARANCES - HEARING CONT'D TO

10/02/97
HONORABLE
STEVEN
KOSACH
DEPT. NO. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

MOTION TO SET TRIAL DATE
Deputy District Attorney Egan Walker was present for the State.
R. Defendant was present being represented by counsel, Mr. Dennis Widdis.
Officer Shane Lees was present for the Division of Parole and Probation.
Respective counsel addressed the Court regarding setting a trial date.
Counsel Widdis further addressed the Court regarding case assignment
and the procedures in transferring cases from department to department.
Counsel Widdis further moved to re-transfer this case back to Department
7.
COURT ORDERED: Matter set for trial by jury.
COURT FURTHER ORDERED: Motion to re-transfer matter to
Department 7 is denied. Defendant was remanded to the custody of the
Sheriff.

12/05/97
8:30 a.m.
Motion to
confirm
to
12/15/97
Jury Trial

CR96-2687 DC-990024274-006
STATE VS FRANK MILFORD PECK 1 Page
District Court 10/02/1997 08:40 AM
Washoe County MTN
CPATTFR

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

12/05/97

MOTION TO CONFIRM TRIAL DATE

HONORABLE

Deputy District Attorney Egan Walker was present for the State.

STEVEN R.

Defendant present with counsel, Mr. Dennis Widdis. Officer Mary

12/15/97

KOSACH

Isbister was present for the Department of Parole and Probation.

Jury

DEPT. NO. 8

Respective counsel addressed the Court and informed the Court that they

Trial

S. Hopper

are ready for trial.

(Clerk)

Counsel Widdis further requested a hearing prior to jury selection.

I. Zihn

COURT ORDERED: Trial date of December 15, 1997 is confirmed for

(Reporter)

1:30 p.m.; Motions to be presented Monday morning at 9:00 a.m. by both counsel. Defendant was remanded to the custody of the Sheriff.

CR96-2687 DC-9900024274-007
 STATE VS FRANK MILFORD PECK 1 Page
 District Court 12/05/1997 08 40 AM
 Washoe County MIN
 CPATFER

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

12/15/97

HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8

S. Hopper
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis.

Prior to the convening of the prospective jurors, Court and counsel proceeded with pre-trial motions.

Counsel Widdis presented motion to exclude Defendant's previous drug use, medical conditions and mental treatment with arguments thereto; Counsel Walker presented arguments in support of objections to limit any evidence regarding Defendant's drug use and medical records.

Respective counsel further addressed the Court and presented arguments regarding the voluntariness of Defendant's statements at time of arrest. Counsel Widdis presented reply. COURT ORDERED: Motion in limine is granted in part and denied in part, to wit: the State shall not be allowed use any medical records or psychological records regarding drug use; that any evidence of drug use is prejudicial; and, collateral impeachment denied regarding drug use. Counsel Widdis presented motion to dismiss Count I with arguments thereto; objections with arguments regarding timeliness of the motion and its merits. Counsel Widdis presented rebuttal arguments.

COURT ORDERED: Motion to dismiss Count I is denied.

Counsel Widdis further presented motion to limit any testimony regarding the previous trial and the Guilty verdict form; further moved to allow to use the Not Guilty verdict form to contradict testimony by Leslie N.

COURT ORDERED: All Verdict forms from previous Jury Trial shall not be disclosed to the new jury.

Counsel Walker addressed the Court regarding stipulation to no use of the previous trial and/or its verdicts.

Counsel Widdis presented motion to allow specific questions to the prospective jurors on voir dire to explore possible biases; Counsel Walker addressed the Court with objections and presented arguments to limit voir dire questions to personal biases without any facts/evidence mentioned. Counsel Widdis presented rebuttal arguments.

Counsel Widdis presented motion that any Batson objections be heard outside the presence of the jury; no objections; SO ORDERED.

Counsel Widdis presented objections to any testimony of Leslie N. with her prior consistent statements; Counsel Walker addressed the Court regarding the motion.

COURT ORDERED: Counsel Walker shall modify any questions to two witnesses regarding Leslie N.'s statements.

Counsel Widdis further addressed the Court regarding police conduct and procedure; Counsel Walker addressed the Court regarding specific questions to the police.

At 12:10 p.m. Court ordered recess.

At 1:30 p.m. Court reconvened with all parties present and prospective jurors in the gallery. Court addressed the prospective jurors and introduced parties and staff.

DC-9900024274-008
CR96-2687
STATE VS. FRANK MILFORD PECK 14 Pages
District Court 12/15/1997 08:41 AM
Washoe County
MTN
CPATTER

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/15/97
Cont'd

JURY TRIAL - CONTINUED

Clerk Hopper took role of the prospective jurors.
Clerk Hopper swore in prospective jurors to answer all questions based upon their qualifications to serve as trial jurors and pulled 12 names as the venire.
Clerk Hopper read the Information.
The venire/prospective jurors were questioned by the Court and respective counsel.
Upon the voir dire process by Court and respective counsel, at 6:15 p.m. the Court ordered recess and that all unselected prospective jurors appear with the venire at 10:00 a.m. on the 16th day of December, 1997 to complete jury selection. Defendant was in custody.

12/16/98
HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL - CONTINUED

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis.
Prior to convening, State's Exhibits 1 through 47 were marked for identification.
Defendant's Exhibits A through DDD were marked for identification.
Court addressed 10 new prospective jurors.
Clerk Hopper swore in the 10 new prospective jurors and called role of all prospective jurors and venire.
Clerk Hopper read the Information.
Court questioned the uncalled prospective jurors on voir dire.
Following the process of jury selection, the persons listed below were sworn by Clerk Hopper to try this case:

- | | |
|--------------------------------|---------------------|
| Mary Caulk | Carolyn Martynuik |
| Harley Ponsler | Kathy Reading |
| Velda Lowery | Arcenia Matoza |
| Nils Bachman | Andrew Davis |
| Michael Storke | Elizabeth Franks |
| Maryanne Paganetti | Jacqueline McMaster |
| Alternate #1 - Jane Nichols | |
| Alternate #2 - Thomas Melancon | |

At 12:00 noon Court ordered recess; jury was admonished and excused.
At 1:30 p.m. Court reconvened with all parties jury present.
Counsel Walker presented opening statements.
Counsel Widdis presented opening statements.
Keith Mullen was called by Counsel Walker, sworn and testified.
State's Exhibits 45 and 44 for identification were offered; Counsel Widdis questioned on voir

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/16/97

Cont'd

JURY TRIAL - CONTINUED

dire and placed no objections; COURT ORDERED State's 44 and 45 ADMITTED.
Witness was further direct examined; cross examined; redirect examined.
State's Exhibits 16 and 17 for identification were offered; Counsel Widdis questioned witness on voir dire and placed no objections; COURT ORDERED ADMITTED.
Witness was further redirect examined; re-cross examined and held subject to recall.
At 3:45 p.m. Court ordered recess; jury admonished and excused.
At 3:40 p.m. Court reconvened with all parties and jury present.
Paul Gonzalez was called by Counsel Walker, sworn and testified.
State's Exhibit 48 was marked for identification; offered and ordered admitted.
Witness was further direct examined; cross examined; redirect examined; recross examined and excused.
State's Exhibit 49 for identification was offered and ordered admitted.
Officer Jason Sammons was called by Counsel Walker, sworn and testified.
State's Exhibits 4 and 26 through 28 for identification were offered and ordered admitted.
State's Exhibit 29 for identification was offered; objections with arguments thereto; COURT ORDERED ADMITTED.
Witness was further direct examined.
At 4:50 p.m. Court ordered recess; jury admonished and excused.
Matter continued to December 17, 1997 at 10:00 a.m. Defendant was in custody.

12/17/98

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL - CONTINUED

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant Frank Peck was present with counsel, Mr. Dennis Widdis.
At 10:00 a.m. all parties and jury were present.
Officer Jason Sammons, previously sworn, resumed the stand for the purpose of cross examination by Counsel Widdis and re-direct examination by Counsel Walker.
State's Exhibits 50 through 52 were marked for identification; offered and ordered admitted.
Witness was further redirect examined; recross examined and excused.
Leslie Peck was called by Counsel Walker, sworn and testified.
State's Exhibits 3 through 30 for identification were offered and ordered admitted.
At 11:15 a.m. the jury was excused. Outside the presence of the jury, Court addressed counsel regarding the examination of the witness by Counsel Walker as an adversary witness.
Counsel Widdis presented objections regarding the examination of Witness Leslie Peck; OBJECTIONS OVERRULED.
At 11:30 a.m. Court reconvened with all parties present and witness Leslie Peck remained on the stand for the purpose of continued direct examination.
State's Exhibits 2, 1, 8 through 14 and 18 for identification were offered; objections with

**DATE,JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/17/97

Cont'd

JURY TRIAL - CONTINUED

arguments thereto; COURT ORDERED STATE'S EXHIBITS 2, 1, 8 through 14 and 18 WERE ADMITTED.

Witness was further direct examined; cross examined.

Defendant's Exhibit A for identification were offered and ordered admitted.

Witness was further cross examined.

At 11:45 a.m. Court ordered recess; jury was admonished and excused.

At 1:45 p.m. Court reconvened with all parties and jury present.

Leslie Peck, previously sworn, resumed the stand for the purpose continued cross examination by Counsel Widdis; redirect examination by Counsel Walker and recross examination by Counsel Widdis. Witness was excused.

At 2:45 p.m. Court ordered recess; jury was admonished and excused.

At 3:00 p.m. Court reconvened with all parties and jury present.

Officer Tim Mayes was called by Counsel Walker, sworn and testified.

State's Exhibit 53 for identification was offered and ordered admitted.

Witness was further direct examined; cross examined; redirect examined.

State's Exhibits 22 and 23 for identification were offered; objections with arguments thereto; COURT ORDERED ADMITTED.

Witness was further redirect examined; recross examined and excused.

At 4:30 p.m. Court ordered recess; jury was admonished and excused.

At 4:45 p.m. Court reconvened with all parties and jury present.

Officer Gerald Rhodes was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined and excused.

At 5:30 p.m. Court ordered recess; jury admonished and excused.

Matter continued to December 18, 1998 at 10:00 a.m. Defendant was in custody.

12/18/98

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL - CONTINUED

Prior to the convening of Court, State's Exhibit 54 was marked for identification.

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant Frank Peck was present with counsel, Mr. Dennis Widdis.

At 10:00 a.m. all parties and jury were present.

Michael Neville was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined and excused.

Debbie Robison was called by Counsel Walker, sworn and testified.

State's Exhibit 25 for identification was offered; Counsel Widdis questioned witness on voir dire and placed no objections; COURT ORDERED ADMITTED.

State's Exhibits 20, 20(a) and 24 for identification were offered and ordered admitted.

Witness was further direct examined; cross examined; redirect examined and excused.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/18/97

Cont'd

JURY TRIAL - CONTINUED

Detective John Ferguson was called by Counsel Walker, sworn and testified; cross examined.
 At 12:00 noon Court ordered recess; jury was admonished and excused.
 At 1:30 p.m. Court reconvened with all parties and jury present.
 Detective John Ferguson, previously sworn, resumed the stand for the purpose of continued cross examination by Counsel Widdis; redirect examination by Counsel Walker and excused.
 Maria Fassett was called by Counsel Walker, sworn and testified; cross examined; redirect examined and recross examined.
 At 2:45 p.m. Court ordered recess; jury was admonished and excused.
 At 3:00 p.m. Court reconvened with all parties and outside the presence of the jury.
 Outside the presence of jury, Counsel presented stipulation to the Court regarding Defendant's belongings.
 Counsel Widdis further addressed the Court regarding rulings of objections.
 At 3:10 p.m. jury re-entered the courtroom.
 Counsel Widdis presented stipulation as previously presented outside the presence of the jury.
 Leslie Nummer was called by Counsel Walker, sworn and testified.
 State's Exhibits 46 and 47 for identification were offered; objections with arguments thereto;
COURT ORDERED ADMITTED.
 At 4:00 p.m. Court ordered recess; jury admonished and excused.
 At 4:05 p.m. Court reconvened with all parties and jury present.
 Leslie Nummer, previously sworn, resumed the stand for the purpose of cross examination by Counsel Widdis.
 State's Exhibit 6 for identification; offered and ordered admitted.
 At 5:05 p.m. jury exited the courtroom.
 Court addressed the respective counsel regarding impeachment process of a witness.
 At 5:10 p.m. jury re-entered the courtroom.
 Witness was further cross examined; redirect examined; recross examined and excused.
 At 5:40 p.m. Court ordered recess; jury admonished and excused.
 Matter continued to December 19, 1998 at 10:00 a.m. Defendant was in custody.

12/19/98

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn

JURY TRIAL - CONTINUED

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant Frank Peck was present with counsel, Mr. Dennis Widdis.
 At 10:00 a.m. Court reconvened with all parties and jury present.
 State rested
 Frank Peck was called by Counsel Widdis, sworn and testified.
 Defendant's Exhibits B through CCC for identification were offered and ordered admitted.
 Witness was further direct examined; cross examined; redirect examined and recross examined.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

12/19/97

JURY TRIAL - CONTINUED

Cont'd

Defense rested.

At 11:50 a.m. Court ordered recess; jury admonished and excused.

At 1:30 p.m. Court and counsel met in chambers for the purpose of settling Jury Instructions and verdict forms regarding voluntariness of Defendant's statements.

Counsel Walker presented objections and motion to withdraw Jury Instruction #29; SO ORDERED.

Counsel Widdis presented arguments for lesser included charges of Open Or Gross Lewdness and/or Indecent Exposure; objections with arguments thereto. Counsel Widdis presented rebuttal arguments.

COURT ORDERED: Motion for lesser included charge is denied.

Respective counsel further presented arguments regarding statements made were voluntary or involuntary.

COURT ORDERED: Motion for verdict form regarding voluntariness of statements granted.

At 2:45 p.m. Court reconvened with all parties and jury present.

Court read Jury Instructions 1 through 28.

Counsel Walker presented opening arguments.

Counsel Widdis presented closing arguments.

At 4:45 p.m. Court ordered recess; jury was admonished and excused.

At 5:00 p.m. Court reconvened with all parties and jury present.

Counsel Walker presented rebuttal arguments.

Clerk Hopper swore in bailiffs Deputies Walling and Fowler to take charge of the jury during deliberation.

At 5:30 p.m. Court ordered recess until the jury has reached a verdict.

At 8:30 p.m. Court reconvened with all parties and jury present.

Clerk Hopper read verdict as follows:

VERDICT

We, the jury in the above entitled matter, find the Defendant, FRANK MILFORD PECK Guilty of COUNT I: SEXUAL ASSAULT.

MICHAEL STORKE

Foreman

CASE NO. CR96-2687

STATE OF NEVADA -VS- FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

12/19/97

JURY TRIAL - CONTINUED

Cont'd

VERDICT

We, the jury in the above entitled matter, find the Defendant, FRANK MILFORD PECK Guilty of COUNT II: SEXUAL ASSAULT.

MICHAEL STORKE

Foreman

The jury was thanked and excused.

Court set sentencing date for February 6, 1998 at 8:30 a.m. Defendant was remanded to the custody of the Sheriff.

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

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 Title: STATE OF NEVADA VS. FRANK MILFORD PECK
 Dept: 8 Addl Info:

At issue: 00/00/00
 Clerk: CP

Trial: 12/15/97 JURY TRIAL

----- P A R T I E S -----

PLTF: STATE OF NEVADA DA: WALKER, EGAN
 DEF: PECK, FRANK MILFORD (D7) ATTY: WIDDIS, DENNIS E.

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1	ADMONITION & WAIVER OF RIGHTS/PERMISSION TO SEARCH RESIDENCE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
2	STATEMENT TO RENO POLICE DEPT FROM LESLIE PECK	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
3	BOOKING PHOTO OF DEFT FRANK PECK	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
4	SET OF KEYS STRANDED W/ CHAP STICK IN ENVELOPE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
5	PHOTO OF PECK RESIDENCE; COOLER W/ TOWEL OVER IT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
6	LARGE MAP OF 1551 N. VIRGINIA ST. & SURROUNDING AREA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
7	LARGE MAP OF 1500 & 1600 BLOCK OF NORTH VIRGINIA ST. AND SURROUNDING AREA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
8	GREEN TOWEL OBTAINED FROM PECK RESIDENCE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
9	YELLOW TOWEL OBTAINED FROM PECK RESIDENC	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
10	RAZOR W/ SHAVED STUBBLE IN BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
11	PAIR OF WHITE UNDERWEAR IN BROWN PAPER BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
12	"CAMEL" T-SHIRT IN BROWN PAPER BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
13	PAIR OF BLUE SWEAT PANTS IN BROWN PAPER BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
14	BROWN PAPER BAG CONTAINING CONTENTS FROM DEFTS LIVING ROOM HAMPER. (SWEATPANTS, WHITE SHORTS, WHITE SOX)	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
15	PETRI DISH W/ HAIR-FIBER	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00

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ID	Description	Type	Relshp	Dept	Clrk
16	PHOTO OF VACANT LOT AT 1500 BLOCK OF N. VIRGINIA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
17	PHOTO OF VACANT LOT NEAR LAWLOR EVENT CENTER	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
18	PAPER BAG CONTAINING TRASH CONTENTS IN THE DEFT'S BATHROOM	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
19	PHOTO LINE-UP AND PROFILE OF DEFT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
20	SEXUAL ASSAULT KIT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
20.A	VICTIM'S UNDERPANTS FROM SEXUAL ASSAULT KIT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
21	BLOOD SAMPLE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
22	"MILLER GENUINE DRAFT" BLACK JACKET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
23	PAIR OF BLACK NIKES	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
24	WHITE BRA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
25	WHITE LINEN SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
26	BLUE AND WHITE STRIPED SWEATER	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
27	ONE PAIR OF BLUE JEANS W/ BROWN BELT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
28	WHITE SHIRT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
29	PHOTO OF SCENE OF CRIME AT NIGHT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/16/97
30	PHOTO OF DEFT FRANK PECK AFTER ARREST	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
31	WHAT DOES DNA MEAN? WHERE CAN DNA BE FOUND? CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
32	WHERE DOES DNA COME FROM? CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
33	CHROMOSOMES CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
34	DNA - THE MOLECULE CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
35	SEPARATION OF DNA CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00

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ID	Description	Type	Relshp	Dept	Clrk
36	SEQUENCE VARIATION VS. REPEAT VARIATION CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
37	POLYMERASE CHAIN REACTION STEPS CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
38	PCR - SEQUENCE DETECTION CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
39	PCR - REPEAT DETECTION CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
40	STATISTICS OF DNA TESTING CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
41	RESULTS OF EXAMINATIONS OF LESLIE N., BILLINGS & PECK Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
42	HANDWRITTEN TEST RESULTS OF DNA EXAMS Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
43	DECLARATION OF MEDICAL RECORDS RE: DEFT PECK Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
44	LARGE-UNMARKED MAP OF 1551 N. VIRGINIA ST. & SURROUNDING AREA Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
45	LARGE-UNMARKED MAP OF 1500 & 1600 BLOCK OF N. VIRGINIA ST & SURROUNDINGS Intro: 12/15/97 Off/Obj: OFFERED	01	STATE	8	SH
46	BROWN PAPER BAG W/ VICTIM'S RED COAT Intro: 12/15/97 Off/Obj: OFFERED	01	STATE	8	SH
47	BROWN PAPER BAG W/ VICTIM'S BOOTS Intro: 12/15/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
48	PHOTO OF EVERGREENS FLANKING VACANT LOT (LOOKING NORTH) Intro: 12/15/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
49	CLEAR OVERLAY W/ MARKINGS COINCIDING TO EXH. 44 (WITNESS GONZALEZ) Intro: 12/16/97 Off/Obj: OFFERED	01	STATE	8	SH
50	PHOTO OF SCENE AT NIGHT WITH SNOW Intro: 12/16/97 Off/Obj: OFFERED	01	STATE	8	SH
51	PHOTO OF GROUND AT SCENE WITH SNOW Intro: 12/17/97 Off/Obj: OFFERED	01	STATE	8	SH
52	PHOTO OF GROUND AT SCENE WITH SNOW & PINE TREE IN BACKGROUND Intro: 12/17/97 Off/Obj: OFFERED	01	STATE	8	SH
53	CLEAR OVERLAY W/ MARKINGS FROM WITNESS TIM MAYES CORRESPONDING TO EXH 45 Intro: 12/17/97 Off/Obj: OFFERED	01	STATE	8	SH

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ID	Description	Type	Relshp	Dept	Clrk
54	CLEAR OVERLAY W/ MARKINGS BY WITNESS SAMMONS FOR EXH. 44 Intro: 12/18/97 Off/Obj:	01	STATE	8	SH
A	TERM PAPER ENTITLED "ORAL LANGUAGE DEF- ICITS AS A READING DISABILITY PREDIC- TOR" BY LESLIE PECK Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
B	PHOTO OF PECK HOME (FRONT DOOR) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
C	PHOTO OF INSIDE OF PECK HOME (COUCH & CREDENZA) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
D	PHOTO OF PECK BATHROOM Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
E	SERIES OF PHOTOS INSIDE OF PECK HOME (HAMPER, SHOES, KITCHEN & LIVING ROOM) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
F	SERIES OF PHOTOS INSIDE PECK HOME (BEDROOM, LAUNDRY ROOM, BATHROOM & COUCH W/ JACKET) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
G	PHOTO OF PECK'S DODGE SHOWING LICENSE PLATE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
H	DARK PHOTO OF PECK'S CAR IN LOT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
I	PHOTO OF INSIDE OF PECK'S CAR IN VACANT LOT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
J	PHOTO OF INSIDE OF PECK'S CAR SHOWING JUMPER CABLES Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
K	PHOTO OF INSIDE OF PECK'S TRUNK Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
L	PHOTO OF SCENE AT NIGHT W/ SNOW Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
M	PHOTO OF SCENE AT NIGHT W/ SNOW & FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
N	DARK PHOTO OF SCENE AT NIGHT W/ LIGHT SNOW Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
O	DARK PHOTO OF SCENE AT NIGHT W/ NEAR BY FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
P	PHOTO OF GROUND AT SCENE AT NIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
Q	PHOTO OF SCENE AT NIGHT W/ FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH

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ID	Description	Type	Relshp	Dept	Clrk
R	PHOTO OF SCENE NEAR FOILAGE AT NIGHT (NO SNOW SHOWN) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
S	PHOTO OF SCENE AT NIGHT W/ FOILAGE & LIGHT SNOW Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
T	DARK PHOTO W/ DIM LIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
U	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
V	PHOTO OF FOILAGE AT SCENE AT NIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
W	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT W/ PINE TREE IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
X	PHOTO OF SCENE AT NIGHT W/ PINE TREE NEAR BY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
Y	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
Z	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
AA	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
BB	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
CC	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
DD	PHOTO OF SCENE AT NIGHT W/ FOILAGE AND LESLIE'S CAR IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
EE	PHOTO OF LITTLE WALDORF SALOON FROM ACROSS VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
FF	PHOTO OF SIDEWALK NEAR LITTLE WALDORF SALLOON ON VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
GG	PHOTO OF NORTH VIRGINIA ST. LOOKING NORTH TOWARDS LITTLE WALDORF Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
HH	PHOTO OF APARTMENTS ACROSS FROM LAWLOR EVENTS CENTER ON N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH

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ID	Description	Type	Relshp	Dept	Clrk
II	PHOTO OF PINE TREES NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
JJ	PHOTO OF PINE TREES NEAR APARTMENTS LOOKING FROM N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
KK	PHOTO OF FOILAGE NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
LL	PHOTO OF SCENE AT VACANT LOT AT DAYTIME Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
MM	PHOTO OF VACANT LOT NEAR SCENE DURING THE DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
NN	PHOTO OF LOT NEAR SCENE AT DAYTIME Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
OO	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST AT DAYTIME Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
PP	PHOTO OF VACANT LOT ON N. VIRGINIA LOOKING NORTHWEST NEAR FOILAGE AT SCENE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
QQ	PHOTO OF VACANT LOT ON N. VIRGINIA ST. AT SCENE W/ LAWLOR IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
RR	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
SS	PHOTO OF VACANT LOT ON N. VIRGINIA ST. W/ PINE TREES AND LAWLOR IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
TT	PHOTO OF VACANT LOT ON N. VIRGINIA ST. NEAR FOILAGE LOOKING NORTHWEST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
UU	PHOTO OF SCENE AT VACANT LOT DURING DAY W/ FOILAGE AND FLEISCHMAN IN BACK- GROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
VV	PHOTO OF SCENE AT VACANT LOT NEAR FOILAGE DURING DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
WW	PHOTO OF SCENE IN VACANT LOT NEAR FOILAGE (LOOKING NORTH) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
XX	PHOTO OF SCENE AT LOT DURING DAY W/ NEARBY FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH

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ID	Description	Type	Relshp	Dept	Clrk
YY	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING SOUTHEAST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
ZZ	PHOTO OF THE BACK OF THE VACANT LOT ON N. VIRGINIA ST. DURING DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
AAA	PHOTO OF BACK OF VACANT LOT DURING DAY LOOKING NORTH BY NORTH EAST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
BBB	PHOTO OF VACANT LOT W/ APARTMENTS IN BACKGROUND & LOOKING NORTH Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
CCC	PHOTO OF VACANT LOT ON N. VIRGINIA ST. FROM ACROSS N. VIRGINIA ST. AT DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
DDD	CORRECTIONAL MEDICAL SERVICES' PATIENT CONSENT TO TREAT & RELEASE FORM Intro: 12/15/97 Off/Obj:	01	DEF:	8	SH
EEE	CLEAR OVERLAY FOR EXH 6 AS MARKED BY WITNESS LESLIE N. Intro: 12/15/97 Off/Obj:	01	DEF:	8	SH
STATES.1	PERMISSION TO SEARCH SIGNED BY LESLIE PECK Intro: 12/18/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.2	STATEMENT TO POLICE BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.3	PICTURE OF THE DEFENDANT THE NIGHT HE WAS ARRESTED Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.4	PICTURE DEPICTING METH PIPE; LAP TOP COMPUTER ETC Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.5	PICTURE DEPICTING COOLER WITH A TOWEL OVER IT Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

03/17/98

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Egan Walker was present for the State. Defendant present with counsel, Mr. Dennis Widdis. Officer Mary Isbister was present for the Division of Parole and Probation.

Counsel Widdis addressed the Court.

Tom Turner was called by Counsel Widdis, sworn and testified; cross examined and redirect examined.

Randy Peck was called by Counsel Widdis, sworn and testified. Witness further read statement from Leslie Peck.

Sherry Gray was called by Counsel Widdis, sworn and testified.

Bessie Cooper was called by Counsel Widdis, sworn and testified.

Dr. Ted Young was called by Counsel Walker, sworn and testified as an expert witness; cross examined and excused.

Deputy Carl Barrett was called by Counsel Walker, sworn and testified; cross examined.

Sue D. Dickson was called by Counsel Walker, sworn and testified; cross examined.

At 10:30 a.m. Court ordered recess.

At 10:45 a.m. Court reconvened with all parties present.

Leslie Nummer was called by Counsel Walker, sworn and testified with victim impact statement.

Respective counsel presented arguments regarding sentencing.

Officer Isbister addressed the Court.

Counsel Widdis further presented arguments regarding sentencing.

Defendant addressed the Court.

COURT ORDERED: Judgment entered. The Defendant is sentenced to the Nevada State Prison for a maximum term of life, with a minimum parole eligibility of ten (10) years on Count I and sentenced to the Nevada State Prison for a maximum term of life, with a minimum parole eligibility of ten (10) years on Count II to run consecutive to the sentence imposed in Count I. The Defendant shall effect restitution in the amount of one thousand forty-seven dollars and fifteen cents (\$1,047.15) and pay the statutory administrative assessment fee of Twenty-Five Dollars (\$25.00). The Defendant is to be given credit for four hundred eighty-four (484) days time served. Defendant was remanded to the custody of the Sheriff.

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STATE VS FRANK MILFORD PECK 1 Page
District Court 03/17/1998 08 43 AM
Washoe County MIN CPATTER
RIN

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/03/03
HONORABLE
BRENT ADAMS
DEPT. NO. 6
S. Stagnaro
(Clerk)
T. Herbert
(Reporter)

EVIDENTIARY HEARING

Deputy D.A. Terrence McCarthy represented the State.
Defendant was present with counsel, Robert Glennen.
Rule of Exclusion Invoked.
Dennis Widdis called by Counsel Glennen, sworn and testified.
Exhibits 1, 2, and 3 marked and offered by the Defense, the Court admitted these exhibits.
Cross-examination by Counsel McCarthy. Questions by the Court.
Further examination by respective counsel.
2:45 Recess.
3:10 All parties present.
Steven Kosach called by Counsel Glennen, sworn and testified.
No cross-examination.
Petitioner rests.
Counsel for the State moved to have the Petitioner's claim dismissed, response by the Defense. Arguments presented and questions by the Court.
The Court ordered that the motion to dismiss is Granted.

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POST FRANK MILFORD PECK (D6) 1 Page
District Court 12/03/2003 08:55 AM
Washoe County MTN
CPATTER

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF WASHOE

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FRANK M. PECK,

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Petitioner,

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vs.

Case No. CR96P2687

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THE STATE OF NEVADA,

Dept. No. 6

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Respondent.

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_____ /

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CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

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I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 29th day of February, 2012, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

20

Dated this 29th day of February, 2012.

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JOEY ORDUNA HASTINGS
CLERK OF THE COURT

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By /s/Lori Matheus
Lori Matheus
Deputy Clerk

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